THE LITERARY GUILLOTINE

HALL CAINE - MARIE CORELLI

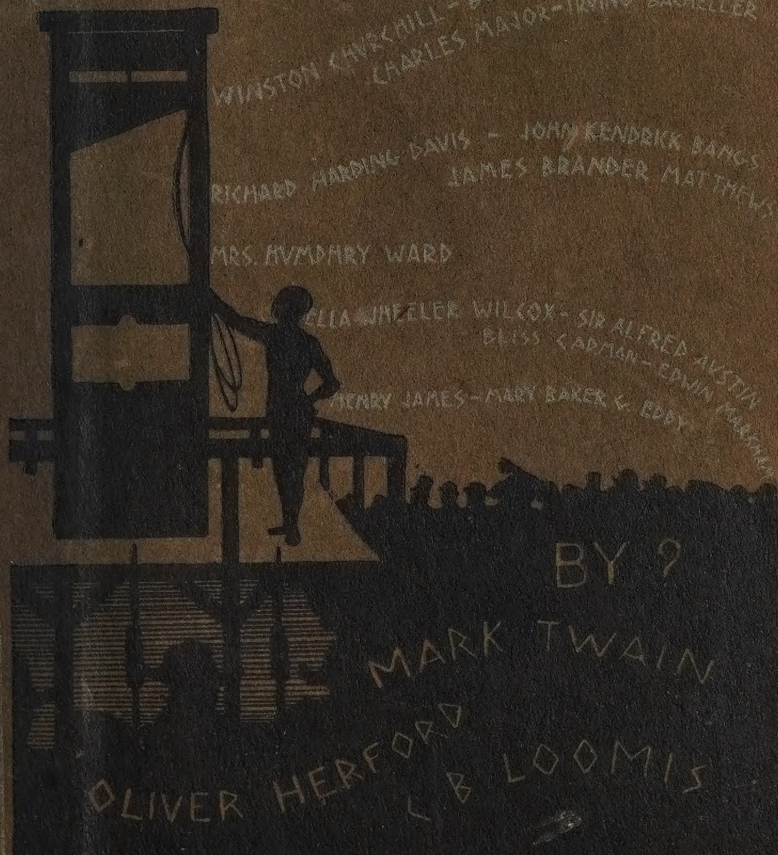
WINSTON CHURCHILL - BOOTH TARKINGTON
CHARLES MAJOR - IRVING BACHELLER

RICHARD HARDING DAVIS - JOHN KENDRICK BANGS
JAMES BRANDER MATTHEWS

MRS. HUMPHRY WARD

ELLA WHEELER WILCOX - SIR ALFRED AUSTIN
BLISS CARMAN - EDWIN MARKHAM

HENRY JAMES - MARY BAKER G. EDDY

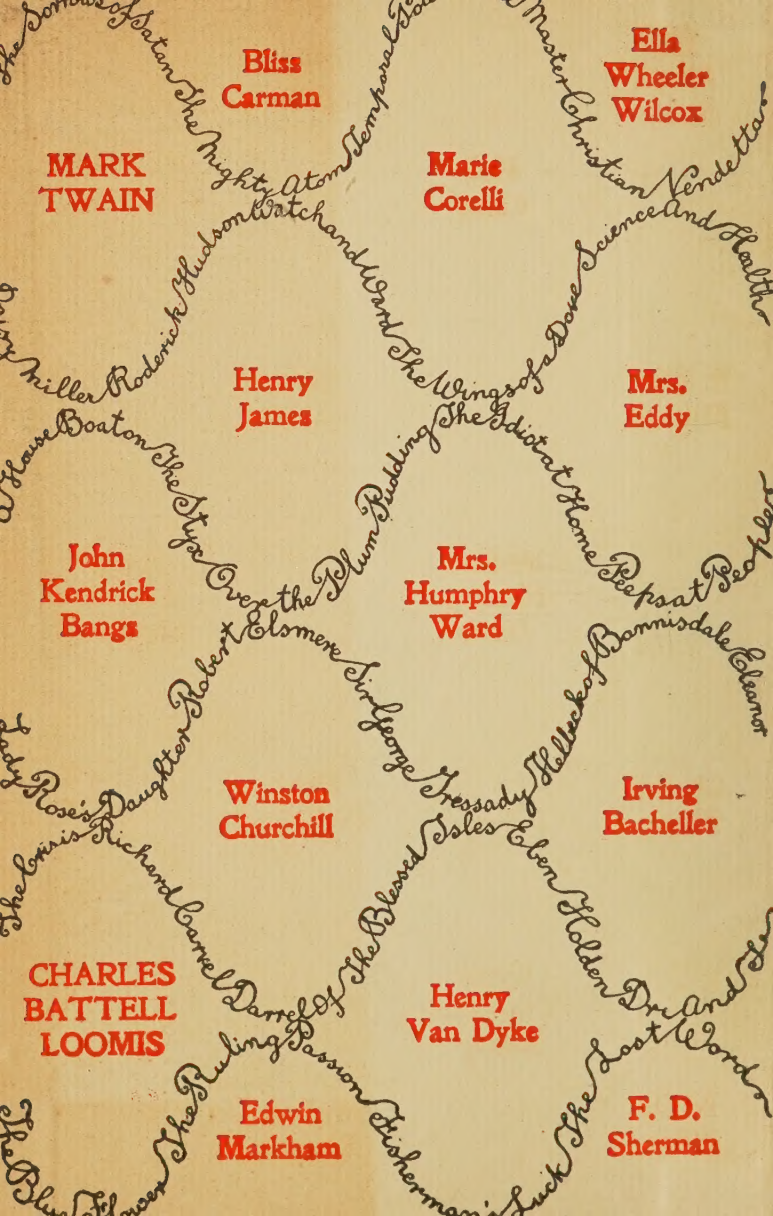


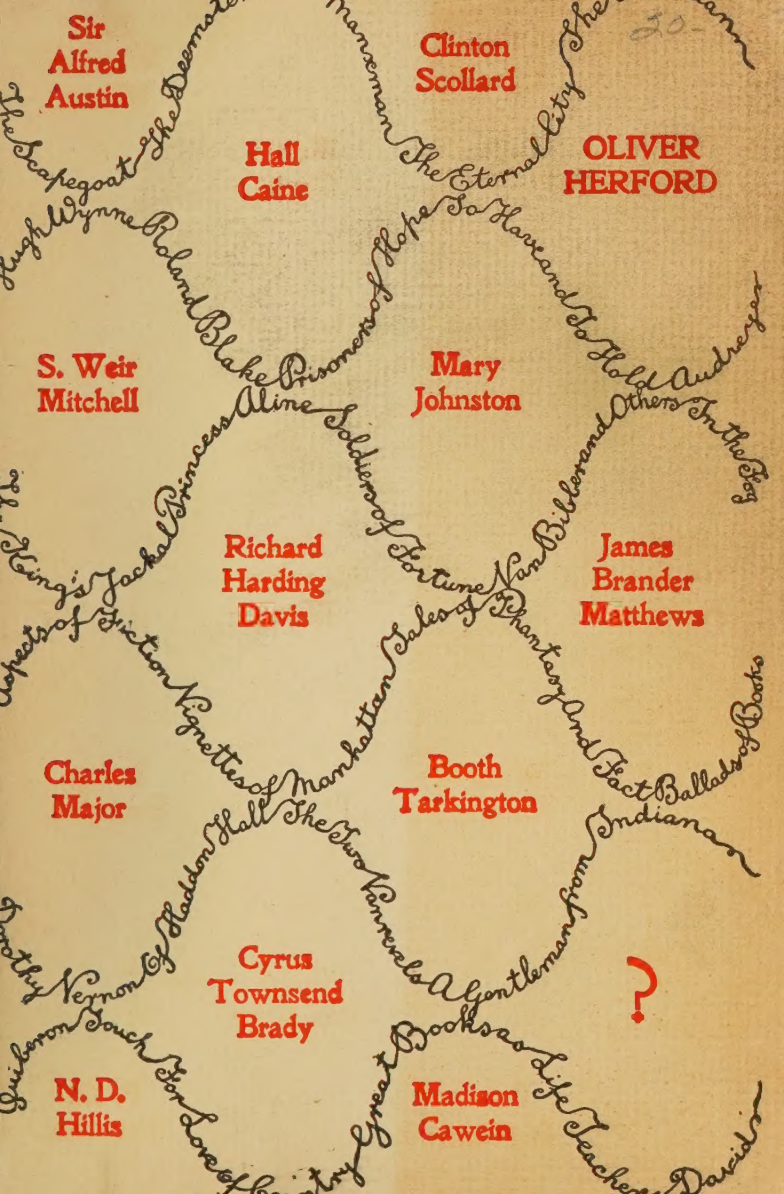
BY ?

MARK TWAIN

OLIVER HERFORD

L B LOOMIS


Bliss Carman
Ella Wheeler Wilcox
MARK TWAIN
Marie Corelli
Henry James
Mrs. Eddy
John Kendrick Bangs
Mrs. Humphry Ward
Winston Churchill
Irving Bacheller
CHARLES BATTELL LOOMIS
Henry Van Dyke
Edwin Markham
F. D. Sherman


Sir Alfred Austin
The Scapegoat
The Seemore
Clinton Scollard
Manxman
The Eternal City
Hall Caine
OLIVER HERFORD
Hugh Wynne
Roland Blake
Prisoners of Hope
So Have and to Hold
Audrey
S. Weir Mitchell
Mary Johnston
Princess Aline
Soldiers of Fortune
Van Bibber and Others
In the Bog
King's Jackal
Richard Harding Davis
James Brander Matthews
Tales of Fiction
Nights of Manhattan
Tales of Phantasy and Fact
Ballads of Books
Charles Major
Booth Tarkington
Hall
The Two Vanrevels
A Gentleman from Indiana
Cyrus Townsend Brady
?
Dorothy Vernon of Haddon
Guideboard
Touch of Love
N. D. Hillis
Madison Cawein
Great Books as Life Teachers
Davidson

THE LITERARY GUILLOTINE

An Authorized Report of the Proceedings before The Literary Emergency Court holden in and for The District of North America.

Reporter: ? ? ? ? ? ?

The Bench: Mark Twain, C. J.
Oliver Herford, J.
'Myself,' J.

For the Prosecution:
Charles Battell Loomis

W. W. Wheelock or M. Twain?

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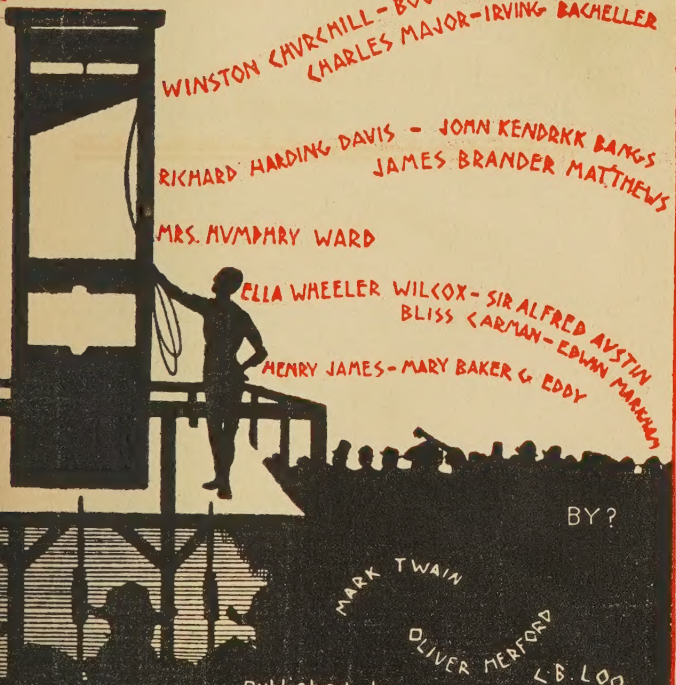

BY?

MARK TWAIN

OLIVER HERFORD

C.B. LOOMIS

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I. The People *vs.* Richard Harding Davis 1

For Defendant Davis, *pro se*

Held, That in writing exclusively for the Young Person, the introduction of improprieties, however veiled, and the perpetration of impossibilities in order to avoid the same, are equally criminal and constitute the same offense. *Verdict:* Guilty

II. James *vs.* Eddy 35

Infringement of Patent

Held, That the original *sententia obscura,* containing, as its name implies, a palpable though obfuscated idea, is not infringed by a method of compilation by which the idea, if any, is placed absolutely beyond the reach of discovery.

III. The Mummy and the Humming-bird, *being the case of* The People *vs.* John Kendrick Bangs and James Brander Matthews 61

Evidence of Larceny of Jokes was ruled out on grounds of public policy, as tending to establish a dangerous precedent, but it was

Held, That the fact that a lack of humour, if not proven to be that of others, under the above ruling, is no reason for acquittal; also that the admissions of a literary expert in an article upon the art of writing may be used

against him in evidence of the crime of unjustified narration.

Verdict: Guilty in the Second Degree with recommendation to mercy.

IV. Wards in Chancery 87

Upon the trial of Mary Augusta Ward for the commission of "Eleanor" and other crimes,

Held, That another and comparatively innocent person whose arrest is due merely to identity of her surname with that of the defendant may be dismissed with a reprimand; also that A literary crime may be allowed to go unpunished in order to avoid international complications. *Nol. Pros.* ordered accordingly

V. The Corelli-ing of Caine 117

Upon preliminary examination of Marie Corelli and Hall Caine

Quaere, Whether two defendants charged with divers like crimes and misdemeanors may be accorded immunity from prosecution upon the offer of each to become State's Evidence against the other?

Note. On account of the rescue of the prisoners by the mob (presumably for purposes of its own) it was deemed fitting by the Court that the case be *Adjourned sine die*

VI. Three of a Kind 143

The People *vs.* VanDyke *et al.*

For all three Defendants *Brander Matthews*

Semblé, That criticism affords no criterion

for the lay mind, and the Court is powerless when the Jury abets the crime. *No Verdict*

VII. The Apollo-naris Poets 175

Upon trial of Alfred Austin, *alias* "The Laureate"; Ella Wheeler Wilcox, *alias* "The Journalese Poetess," *et al.*, for a divers-ity of minor offenses,

Ella Wheeler Wilcox having been *discharged by the Court*

Held, As to the rest, that the prisoners might be left each to the judgment of the others with a certainty that all would receive their deserts, for

Semblé, That Poets cannot conspire, and it was *Ordered accordingly*

Verdict: Guilty

VIII. Historical Novelties 213

Upon a Commission *de lunatico inquirendo* for the purpose of investigating the mental condition of "Stephen Brice," "Malcolm Vernon," "Tom Vanrevel," *et al.*,

It was reported, That the atmosphere of insanity that pervades Historic Fiction is not due to the characters *per se*.

Note. The authors and the Reading Public were not before the Commission for investigation.

IX. The Otherwise Men 239

At an informal sitting *in camera cur adv. vult.*, the question as to the identity of lit-

erature and business being under discussion, by a strong majority it was

Decided, That the two terms are inseparable, interchangeable and unthinkable, save in conjunction; and it was further

Decided, That as a practical proposition the reformation of literature is desired neither by the servant girls, editors nor writers, and the Court was therefore adjourned until the commencement of the next ensuing term.

I. The People *vs.* Richard Harding Davis

For Defendant Davis, *pro se*

Held, that in writing exclusively for the Young Person, the introduction of improprieties, however veiled, and the perpetration of impossibilities in order to avoid the same, are equally criminal and constitute the same offence.

Verdict: Guilty

"UNLESS this unseemly demonstration ceases once for all," said Mark Twain, rising and glaring out over the crowded room, "I shall order the court cleared and have the trial conducted behind closed doors. Besides," he added, sinking into his accustomed drawl, "this is not a young ladies' commencement, despite appearances." Then, turning to the nearest policeman, he said: "Officer, bring in the prisoner."

"Aye, aye, sir," said the policeman in nautical fashion, and he walked rapidly to the door of the adjoining room, opened it, and beckoned to the invisible occupant. The next moment a large, military figure, encased in a very short jacket and a very high collar, appeared in the doorway, paused for an instant like the king of beasts on entering the arena, and then walked rapidly and with disdainful air to the prisoners' pen, facing the jury benches.

"Ah!" went up in chorus from all the women present; "isn't he like his own Van Bibber!"

Richard Harding Davis stood before us.

It was the first sitting of the Literary

Emergency Court, which had been created by the legislature in response to the demands of a long-suffering and outraged public for the trial and punishment of literary offenders, and the excitement was tremendous. In view of the large female following of the first prisoner on the list for trial, extraordinary police precautions had been taken; nevertheless, that very morning an attempt had been made to deliver him from jail, which had very nearly proved successful. Seventy-five uniformed servants of the law were now distributed throughout the court-room ready to suppress an outbreak.

In virtue of the powers vested in him by the legislature, the Governor had appointed Mark Twain, Oliver Herford, and myself justices of the court, with extraordinary powers, and Charles Battell Loomis prosecuting officer to act for the attorney-general. I had hesitated to accept the appointment, fearing lest no one would take us seriously in view of the reputation of my associates and of the prosecutor; but Herford had finally pointed out to me the very

material consideration that unless I consented to serve I would infallibly be seized and brought to trial and condemned to the guillotine as one of the most flagrant offenders. This put a new face on the matter.

"It's your one chance of immunity, old man," he had said in discussing the matter with me; "any one who has written such rotten stuff as you can't afford to take chances. Now with me it's different——"

I looked at him in amazement. Did he really believe what he was saying, or was he merely talking for effect? The seriousness of his expression, however, argued belief in his own words, astounding as this may seem.

This had been two weeks previously, and the interval of time we had spent in waiting for the order to begin our sittings and in issuing warrants of arrest. At one of our preliminary meetings we had drawn up a list of the worst offenders, most of whom happened luckily to be in New York; and now at the opening of the court we had the satisfaction of knowing that twenty-five of the most notorious delinquents were safe

behind prison bars, beyond the reach of pen and ink.

There had been stormy scenes between my associates and myself, as neither Mark Twain nor Herford would consent to the including of many of those whom I felt that we could not conscientiously omit; our oath of office pledged us to summon before us "all writers and scribblers and their aiders and abettors whom (in our opinion) literature would be better off without." Under the circumstances naturally I wished to include the majority of metropolitan editors and publishers, but to this my colleagues would not hear.

"Why, I publish with his firm!" exclaimed Mark Twain, when the name of a notoriously guilty publisher was mentioned. "I could never consent to his execution."

Similarly, when the name of one of the most flagrant editors in the city was brought forward, Herford begged for his life on the ground that the magazine of the editor in question took a great deal of his inferior stuff which he could sell nowhere else.

"I thought it was the other magazines that took your inferior stuff, Herford," innocently remarked Loomis, who was unofficially present at the meeting.

The outcome of the matter was that we compromised on the names of a few editors who were also writers and whose offences were so flagitious that there could be no doubt the jury would find them guilty, and thus enable us to send them to the guillotine. From that bourne they could return no manuscripts, so Mark Twain and Herford felt safe.

I was by no means satisfied, but better half a loaf than nothing. Besides, had we not Davis, and was he not worth many editors?

As this young Napoleon of literature now stood before us and as I gazed on his mobile and open countenance and firmly set jaw, it was hard to believe that he could be guilty of all the crimes to which I had seen his name attached. Could this noble youth really have written "Soldiers of Fortune"? The voice of Loomis, however, recalled me to a sense of the situation.

"May it please the court," he was saying, "your honours have now before you one of the most incorrigible offenders of modern literature; indeed, I may say, one of the worst literary criminals of all times. I feel it my duty, therefore, before impanelling the jury and calling the witnesses, to warn the court of the character of the prisoner, of his ineradicable tendency to promulgate articles, stories, and novels of the most pernicious nature, despite their apparent innocuousness. Be not deceived! Their harmlessness is specious. He is corrupting the youth of this country. Even as Phrêne corrupted the youth of Athens——"

"Mr. Loomis! Mr. Loomis!" cried Mark Twain severely, "you are forgetting yourself! Nothing you can say against the prisoner from a purely phrenæological standpoint can be too severe, but your comparison is at fault. In all of his stuff that I have unfortunately been compelled to read as presiding officer of this court, I have in vain looked for a line which could bring the blush of shame to the cheek of innocence, which could cause the young person to ask

embarrassing questions of her elders. Though, to be sure, Mr. Davis holds peculiar ideas on the education of maidens—for whom, I believe, he writes exclusively."

"May it please the court," said Loomis at the conclusion of this reprimand, "with all due respect to your honour, I must nevertheless maintain that your honour is mistaken as to the moral influence of the writings of the accused. At the appropriate moment I intend to show that he has made use of several words in his writings improper for the eyes of maidens, as, for instance, 'concupiscence' and 'propinquity.' And now, if it please the court, we will proceed with the trial. Prisoner at the bar, do you wish to hear the indictment read?"

"Most assuredly," replied Davis, who had elected to act as his own counsel.

Thereupon the clerk of the court read in a loud voice the short but portentous document wherein the people of the County of New York, through their special grand jury, charged Richard Harding Davis with commission of *lèse majesté* to the cause of letters, which crime, it was alleged, had

been committed at various and sundry times within the said county through the publication of books and magazine stories and articles directly tending to debase literature.

As was to be expected, Davis entered the plea of "not guilty" to the charge, and the impanelling of the jury was then begun. It was, of course, quite irregular for more than one judge to sit in a trial by jury, but this anomaly was the outcome of the peculiar nature of the cases before the court.

But little time was wasted in securing twelve good men and true for the trial of the case, as of the forty-two men examined only one confessed, blushingly, to having prejudiced his judgment by reading a story by the accused.

"So you have read one of my stories, have you?" said Davis, with a smile of assurance. "Which one was it?"

"'The King's Jackal.'"

"Well, now, in view of that fact, I would ask if you believe in capital punishment?"

"More than ever!"

"Peremptorily challenged," announced the defence.

"Confound it!" muttered the rejected juryman, as he stepped down from the bench.

The only other case worthy of mention among those thus challenged was that of a professional weight-lifter, to whom this question was put by Davis:

"Do you believe that a man can embrace a girl with one arm, hold a mob in check with the other, and set in motion with both feet simultaneously two boulders to crush a revolutionary army at the foot of the mountains?"

"Not unless the lady in question is strong enough to hold him up off the ground while he does it," was the reply.

This, of course, disqualified him in the eyes of the accused.

The jury, when finally secured, was made up as follows: one plumber, two cab-drivers, two shop-keepers, one contractor, one machinist, one ex-army officer, two clerks, one life-insurance agent, and one capitalist.

Vigorous protest was made by Davis against the make-up of the jury, on the ground that with but two exceptions they were "in trade," and that he was entitled to be tried by his peers. But as he had exhausted his challenges, he was forced to accept them, willy-nilly. The trial proper then began.

The first witness called was Bridget Flynn, and she proved to be a large, stout Irish woman who said she took in washing. Her testimony was rather long and rambling, but the gist of it was that since her daughter, Mary Ann, had taken to reading the prisoner's books she spent all her time studying the peerage and talking about "dooks" and lords and ladies and practising up what she was going to say to the Prince of "Whales" when she met him.

"And her ingagemint with Pat Nolan, the Broadway policeman, she broke off," declared the witness, under stress of emotion, "because he was only six feet four instid of seven foot tall and hadn't played on the college football team or even so much as eloped with a princess. 'Ma,' she

says to me only yisterday, 'I shall niver marry,' she says; 'I've found me ideal only in the literature of Mr. Davis. He give me me standards, and nothin' in loife, I find, comes up to their shoulders. I'm doomed to celibrity.' Oh, me poor chile! And the sassy way she talks to her father, too, it would coddle your blood. 'You're a vandal,' she says to him, 'you care nothin' for literature. I belave you'd ate bacon on Shakespeare's birthday.' Oh, me pore chile, me pore chile!"

Mrs. Flynn's grief was touching, and the effect of her testimony upon her hearers was evident.

"Do you wish to cross-examine her, Mr. Davis?" asked Mark Twain, with a break in his voice, when she had so far recovered herself as only to sniffle.

"No," said the prisoner, shaking his head. Evidently he saw that the sooner Mrs. Flynn got out of the jury's sight the better for him. Even the women present were affected.

The next witness was the President of the Young Ladies' Select Boarding-Schools

Association of America. Her testimony against the prisoner was to the effect that since his advent in the literary world the gas bills of the various institutions in the association had increased in alarming degree, and that this had been traced directly to the reading of his books after hours.

"If this continues," said the witness tragically, "the boarding-schools throughout the country will have to close their doors; we cannot stand the expense."

"Now, Mrs. McClacken," said Davis, taking the witness in hand at the close of her direct testimony, "I should like to ask you one or two questions. Have you ever read any of my stories?"

"I'm not quite certain," was the hesitating reply; "are you the author of 'Davies' Legendre'?"

"Madam," said Davis, severely, "I am grieved that you should suggest such a thing; in my writings I carefully avoid all mention of sex or gender. Besides, the book of which you speak happens to be a text-book of geometry, not a work of fiction. My writings deal with life, not, to be

sure, as it is, but as I conceive it should be presented to the minds of maidens through those glorious channels of purity—the magazines of the country. But I am wandering from the question. You admit that you have never read any of my books, yet you come here and testify against me. Does that strike you as fair?"

"I have nothing against you, Mr. Davis," replied the President of the Young Ladies' Select Boarding-Schools Association of America; "you seem to be a nice gentlemanly young man—but the gas bills, what am I to do about them?"

"Send them to me, madam, and I will pay them," was the magniloquent reply, and there was a suppressed flutter of applause. "I have finished with the witness," he announced, turning to the court, and he resumed his seat and fixed his eyes on the upper left-hand corner of the cornice.

Certainly he understood the value of the theatrical moment: by this brilliant stroke he had regained in the minds of his female admirers all the ground which the testimony of Mrs. Flynn had cost him—"send

me the bills and I will pay them!" It was magnificent.

In the meantime the witness had beckoned Loomis to her side, and there had ensued an earnest whispered conversation between them. Returning to his place, Loomis announced that the President of the Boarding-Schools Association desired to withdraw her testimony.

"But for what reason?" asked Mark Twain, in astonishment.

"May it please the court, she says that after having met Mr. Davis she no longer blames the girls for sitting up to read his books; she intends to do it herself."

"This is nonsense," cried Mark Twain, sternly; "testimony cannot be withdrawn. Proceed with the trial, Mr. Loomis."

"You may retire, madam," said the prosecuting attorney, addressing the witness.

"May I not remain in the room, Mr. Lawyer? Oh, I should so love to do so!"

"Yes; I see no objection if you can find a place."

This difficulty, however, was easily overcome, as room was immediately made for

her between two fashionably dressed girls on the front bench. As she seated herself one of her neighbours silently slipped a book into her hand. From where I sat I could read the title—"Princess Aline."

"Now, may it please the court," said Loomis, when quiet had been restored, "although there are still a number of witnesses waiting to be called, I have decided to dispense with their testimony—at least for the present. They are unfortunately women, and I find in this case women are not to be relied on. If your honours please, therefore, I will place the prisoner himself on the stand without further delay. That is, if he is willing to testify."

"Certainly I will go on the stand," said Davis, and in obedience to the direction of a court officer he stepped up into the little witness-box. Despite his jaunty, confident manner, I detected a furtive, frightened look in his eyes as he glanced at the court and at Loomis's melancholy countenance. Could it be that the possibility of conviction had at last come home to him?

"Now, Mr. Davis," said Loomis, address-

ing the prisoner, "I hold in my hand a book which is called 'Soldiers of Fortune,' and which purports to come from your pen. Did you write it unaided and of your own will?"

"Did I write it of my own free will?—Of course I did!" was the indignant reply. "Who else do you think could have written it?"

"Nobody, Mr. Davis, nobody. I know of no one capable of it but you, unless it be Laura Jean Libby. Still, even she hasn't your touch."

"Thank you," said the accused, inclining his head.

"Don't mention it," replied Loomis, bowing in return. "I simply wanted, you see, Mr. Davis, to have your admitted authorship of the book as part of the record, since 'Soldiers of Fortune' is one of the principal counts against you. Now, I would like to ask you one or two questions; perhaps there may be mitigating circumstances attending this crime of which we are ignorant."

"I appeal to the protection of the court,"

cried the prisoner, turning to the presiding judge, "against the practice of the prosecution to speak of 'Soldiers of Fortune' as a crime."

"Prayer denied," said Mark Twain, without an instant's hesitation. "Proceed with the examination."

"Well," continued Loomis, "I shall take but little of the court's time by going more deeply into 'Soldiers of Fortune.' Indeed, it has occurred to me that perhaps the simplest and quickest way might be to have the book read aloud privately to the members of the jury, so that they can form——"

"With your honour's permission," cried the foreman, springing to his feet, "as spokesman of this jury I must vigorously protest against this injustice. We are peaceful, inoffensive citizens, who are sacrificing our time and interests to the state, yet here it is proposed to force us to listen to 'Soldiers of Fortune.' We throw ourselves upon the mercy of the court to protect us against this cruel and unusual punishment."

The man sat down amid the suppressed

applause of all the men in the room and protesting hisses from a number of the women.

"Order in the court!"

"What do you think about this point?" asked Mark Twain, leaning over and addressing me in a whisper.

"I agree with the foreman," I said; "we have no right to put men to the torture. Have you ever read the book yourself?"

A half-smile flitted across his face.

"I read the first chapter," he said, "and the next morning my valet had appendicitis."

"Ask Herford what he thinks," I suggested.

"We once had a horse in our family," said Herford, irrelevantly, in reply to Mark Twain's question, "and the doctor said it was necessary to knock him in the head to end his sufferings. We did it, and the horse jumped up well. Which goes to show that you can't tell what effect the book might have on these men."

Having received our advice, Mark Twain delivered the ruling of the court.

"In view of the appeal of the foreman," he said, "and of the fact that one of the jurymen has heart disease, we have decided not to compel the jury to hear the book."

A deep sigh of relief went up from the twelve unfortunates at the narrowness of their escape.

"May it, then, please the court," continued Loomis, "we will rest content with the prisoner's admitted authorship of 'Soldiers of Fortune,' and proceed to the next count. Mr. Davis, how many stories have you written?"

"I couldn't say—a hundred, perhaps."

"And you received pay for them?"

"Why, of course; you don't think I write for nothing, do you?"

"No, but I hardly expected you so easily to admit having obtained money under false pretences. However, I shan't press that point. Now, I have here a collection of stories purporting to be by you, called 'Van Bibber and Others,' and I will open it at random—thus. Ah, I see I have turned to 'A Recruit at Christmas.' You wrote that, did you not?"

"Yes, but that was years ago. It isn't fair to hold a man responsible for the indiscretion of his youth."

"That is true, Mr. Davis, but unfortunately I am forced to remind you that the statute of limitations does not apply to crimes punishable by death. To return, therefore, to the story under consideration. Did you ever enlist in the navy?"

"No, sir."

"Did you ever witness an enlistment?"

"No, sir, but——"

"One moment now, don't interrupt; you'll have plenty of chance to defend yourself later on. No doubt you were going to say that some one had told you about an enlistment. Well, unfortunately he told you wrong. In the first place, enlistments are not taken at Christmas or on holidays; and in the second place, they are not conducted as you have described. The enlisting-officer has nothing to do with the physical examination, which is made by a doctor of the service in his private bureau, and the applicant is made to take off every stitch of clothing for the ordeal. Now, why

didn't you find out about the *modus operandi* and describe it as it really is?"

"Oh, Mr. Loomis," cried Davis, blushing, "how can you ask me such a thing? Do you think I would have a naked man in one of my stories?"

"Ah!" came approvingly from all sides, the voice of the President of the Young Ladies' Boarding-Schools Association sounding above all others. Glowing looks of approval were cast on this courageous protagonist of purity. Unfortunately for the dignity of the occasion, one of the jurors burst out laughing and nearly rolled off the bench in his merriment.

"Order in the court!"

"Excuse me," cried that member of the jury who had been an officer in the United States army, "but may I ask a question?"

"Certainly," said Mark Twain.

"Is this prisoner the man who wrote 'Ranson's Folly'?"

"Yes; why do you ask?"

"Well, I read it the other day, but I'd forgotten the name of the author. I just wanted to be sure that I was looking at the

man who made an officer hold up a stage with a pair of shears and then be let off without trial, just because some other fellow confessed to having committed another hold-up. I tell you, it takes genius to write about something you don't know anything about, and make a non-commissioned officer address his superior as 'the lieutenant.' It made me feel homesick for the old life which he describes so brilliantly, and I sent the book out to my old mess at Fort Leavenworth. This is the telegram I got back from them a week later: 'Ask the author of "Ranson's Folly" where the devil he learned it all.'"

For a moment there was silence in the room.

"I would beg the gentleman who has just spoken," at last said Davis, "to bear one fact in mind: that portion of society for which I write are practically all studying, with the help of a dictionary, 'L'Abbé Constantin,' and in that the soldiers always address their superiors as *mon lieutenant.* Moreover, I could not allow Ranson to be court-martialled, as it would have made the

story too long and would have displeased many of my readers; they do not like a hero to be placed in embarrassing positions. I feel that I have answered the strictures of my critic fully and satisfactorily. I leave the decision with the public and with—posterity."

Certainly if the women present were the public meant by the prisoner there could be no doubt that his explanation was eminently satisfactory. Despite the frequent warnings, little bursts of applause were heard on all sides, and not until the court-officers had repeatedly thundered "Order in the court!" was quiet at length restored. Mark Twain was evidently on the point of ordering the room cleared, and only the promptness of Loomis in resuming the examination of the prisoner prevented him.

"Now, Mr. Davis," said Loomis slowly, impressively, "before this interruption occurred you indignantly repudiated the suggestion that you should have caused one of your heroes to undress in public. I am sorry to be compelled to state that in many of your stories you are guilty of much more

serious offences than this. You pose as a moralist, but I hereby charge you with promulgating literature of the most pernicious character. I will tear the mask from your face. Officer, hand me that book."

The excitement in the room was now intense; men and women leaned forward in their seats, breathlessly awaiting the next move. Even Mark Twain had straightened up and had fixed his eyes on the prosecuting attorney. For a moment there was silence, as Loomis took the book from the policeman and held it in his hand.

"Did you write this, Mr. Davis?" he asked at length, "'A Year from a Reporter's Note-book'?"

"Yes," replied the prisoner.

"Well, I turn to page 264, and read this description of the Queen's Diamond Jubilee: 'Churches built huge structures over their graveyards that towered almost to the steeples, and theatres, hotels, restaurants, and shops of every description were so covered with scaffoldings that it was impossible to distinguish a bookstore from a public house.' Mr. Davis, I will ask you

only one question regarding this passage: Why did you want to distinguish a bookstore from a public house?"

"Well, well, I don't — know — " began the accused, stammering, "one naturally notices such things, don't you know."

"I see," said Loomis, "but you should have remembered for whom you were writing. By that passage you may have started some tender youth upon the downward path, or have caused a gentle maid to withdraw her name from the W. C. T. U. Did you think of that?"

Davis paused before replying.

"I solemnly declare," he said at last, "that when I wrote those words I did not realize their insidious malignity. Far rather would I have struck my hand from my wrist. It is not fair, however, to condemn a man for a single fault unwittingly committed. I defy the prosecution to point to another improper paragraph in all my writings."

"You do? Well, now, Mr. Davis, I have here 'Princess Aline.' You acknowledge having written that book, I suppose?"

"Certainly, there is not a single word to be ashamed of in it."

"You think so. On page 8, however, I find this statement put into the mouth of your hero—unfortunately I am compelled to read it aloud despite the presence of ladies—' I am very conscientious, and I consider it my duty to go so far with every woman I meet as to be able to learn whether she is or is not the one, and the sad result is that I am like a man who follows the hounds but is never in at the death.' Have you anything to say to that, Mr. Davis?"

The prisoner shook his head.

"Nothing," he said feebly, "except that I regret it deeply. The recollection of that passage has kept me awake many a night. Ah, if you but knew how I have tried to forget it!"

The silence in the room was deathlike until Loomis continued:

"This is a painful subject, and I willingly abandon it. Before doing so, however, I must call attention to one other impropriety of which the accused has been guilty.

On page 57 of 'Ranson's Folly' you cause an infinitive to do the double split in most barefaced manner, at the same time that you make a young lady, so far as I can understand the sentence, attempt to strike a gentleman below the belt. Here is the sentence: 'Her only reply was to at once start for his quarters with his breakfast in a basket.' Think of the effect of this upon the school-girls throughout the country! But enough of this subject. It is too painful to be pursued further. You may step down, Mr. Davis.

"May it please the court, I have now finished with the prisoner, as I do not consider it necessary to waste further time on a case which is really so unimportant. Enough has been shown, I feel sure, to convince this intelligent jury that he merits no consideration at their hands. He has shown none for us, for he has published over ten books, one of which is 'Soldiers of Fortune.' Think of it! I feel certain, therefore, that the members of the jury will do their duty and bring in the only verdict possible in

view of the testimony, that, namely, of *lèse majesté* to the cause of letters."

Thereupon Loomis resumed his seat. Not a sound was to be heard. Even the women in the room were speechless. To think that their idol should have had feet of clay all the time! Suddenly a sob came from the President of the Young Ladies' Select Boarding-Schools Association of America, then another followed in the rear of the room, and in a few moments half the room was in tears. But the eyes of the men were dry and hard, and the faces of the jury were stern and set—at their hands no leniency was to be expected.

"Prisoner at the bar," said Mark Twain, when the sobbing had somewhat subsided, "have you anything to say in your own defence before I charge the jury?"

Davis started. I had read his thoughts: he had been dreaming of the happy, innocent days of youth while he was still a special student at the Johns Hopkins University, before he had taken to writing. No man, I believe, ever sinks so low that he is incapable of remorse.

"Your honour," he said in a low voice, "I shall not make a speech, although I intended so to do up to within a very short time. Since I entered this room a change has taken place in me; my eyes have been opened to the real wrong I have done to the cause of letters. Let the law take its course, I shall not murmur. I only say, I am sorry for the past. Perhaps, however, my fate will serve to warn future writers for young girls of the dangers of the path. Had I it to do over again—But no, who can tell? Perhaps I should do the same."

I confess, as I listened to this frank confession, pity for the man rose in my breast, despite my better judgment. But then came thoughts of "Soldiers of Fortune" and of the girls' boarding-schools throughout the country and my heart hardened. No punishment was too severe for this man.

"Mr. Loomis," said Mark Twain to the prosecuting attorney, "it is your privilege to close."

"I waive that right, sir."

"Gentlemen of the jury," Mark Twain then said in impressive manner, "you have

heard the evidence in this case; it is for you to decide on it. Is this man guilty or not guilty as charged? You have only to pass on questions of fact: we will apply the law to your findings. You will now retire until you have reached a verdict. Conduct the jurymen to their room."

"With your honour's permission," said the foreman, rising, "I would beg for a moment's delay."

"Very well, sir."

Thereupon the foreman leaned over and began to whisper with his associates. This continued for, perhaps, half a minute, when he rose again.

"It will not be necessary for us to retire," he announced.

"Have you reached a verdict, gentlemen of the jury?" asked the clerk of the court.

"We have," replied the foreman.

"Prisoner, look upon the jury; jury, look upon the prisoner. Do you find this prisoner guilty or not guilty of the charges in the indictment?"

"Guilty," announced the foreman in a loud voice.

For a moment it looked as though Davis were about to fall, but he recovered himself and braced his shoulders for the ordeal still to follow.

"Prisoner," said Mark Twain impressively, "you have heard the verdict. Have you aught to say why sentence should not be passed on you?"

Davis shook his head, unable to speak. Mark Twain turned to me and I nodded, and Herford did likewise in answer to his mute question. Mark Twain then delivered the sentence of the court as follows:

"Richard Harding Davis, after a fair and just trial at the hands of your peers, you have been found guilty of the worst crime which a writer can commit, that, namely, of *lèse majesté* to the cause of letters. It is, therefore, the decision of this court that you be led from this room and confined by yourself with a set of Balzac's works accessible to hand, so that you may be given a chance to see how a *man* writes, and that between sunrise and sunset two weeks from to-day you be taken to the place of execution, and there, in the presence of the proper

officials and witnesses, your literary head be struck from your shoulders. Remove the prisoner."

The nearest policeman stepped to Davis's side and touched him on the shoulder. With a start, he turned and looked at the man.

"Come with me."

Silently he obeyed, and with bowed head, as though in a dream, he followed his guardian toward the door from which a short hour previously he had issued so defiantly. On all sides sobs were heard, but no motion to rescue the condemned man was made, as we had feared might be the case: his exposure had been too complete for the vestige of a doubt as to his true literary character to remain even in the mind of the President of the Young Ladies' Select Boarding-Schools Association of America. The tears were for a fallen idol. As he disappeared through the door, Herford leaned over and said:

"There's only one trouble about carrying out that sentence: how the deuce are you going to chop off the literary head of a man who hasn't one?"

II. James *vs.* Eddy

Infringement of Patent

Held, That the original *sententia obscura,* containing, as its name implies, a palpable though obfuscated idea, is not infringed by a method of compilation by which the idea, if any, is placed absolutely beyond the reach of discovery.

I read and read, and then I am in pain,
And know that I've received a mental strain;
And yet in every word I feel the truth,
But do not understand one word, forsooth.

THE mistake of Henry James lay in attacking Mrs. Eddy in the first place—evidently, he did not realize what he was going up against. But, as Herford remarked, rolling stones rush in where angels fear to tread.

Strictly speaking, the Literary Emergency Court was without jurisdiction in civil suits, but in the matter of James *versus* Eddy for infringement of patent, we had felt called upon to act, owing to the refusal of the ordinary courts to have anything to do with so disgraceful a proceeding.

" 'The genius of woman shrinks from controversy with a knave or a fool,' " quoted Mark Twain from the defendant's wonderful chapter on "Marriage," while privately discussing with Herford and myself the advisability of hearing the case—"that can hardly be called 'civil,' can it? What do you think about the matter, Herford?"

"I'll ask you a riddle," was the irrelevant

reply—"what is the difference between Mother Eddy and a patent chewing-gum slot machine?"

"I see considerable resemblance," said the presiding judge, "but no difference worth speaking of. However, what is the difference?"

"In the case of the slot machine," said Herford, "you put in your penny and you get your science and dyspepsia; while in the other case you put in your 'eagle' and get your 'Science and Health.'"

"I must insist, Herford," said Mark Twain, "that you have mistaken a resemblance for an intrinsic difference—in the one case you get the *tutti frutti* of the confectioners, and in the other the *tutti frutti* of the philosophers; they are equally indigestible. However, the question before us is whether we may properly hear the present case. What is your opinion?"

"Well," I said, "I am convinced there is many a woman with a soft spot in her brain for Mrs. Eddy, and by hearing this case we shall certainly injure the sale of our own

books. Still, I say go ahead with it. What's your advice, Herford?"

"To speak honestly," was the reply, "I don't believe in robbing Mary to pay James. Still, I am anxious to get at the justice of the affair, so I vote to hear the case."

As a result we were now awaiting the opening of the famous trial.

"May it please the court," said Loomis, who had been retained as counsel by Mr. James, rising at the conclusion of the preliminaries, "this is a suit brought by the complainant, Henry James, Jr., against the defendant, one Mary Baker G. Eddy, author of the 'Science of Wealth,' for infringement of his patent obscure sentence—"

"What's that, Mr. Loomis?" cried Mark Twain—"his patent what?"

"Patent obscure sentence, your honor—the Henry James patent obscure sentence. It's guaranteed to resist the most penetrating intellect known. Some of the greatest men of history live in a single achievement: Sir Thomas More gave a cup of water to a dying soldier, Gray wrote the 'Elegy in a Country Churchyard,' Blanco White a son-

net on night, Eli Whitney invented the cotton-gin, and Henry James the patent obscure sentence. It is a question which of them has placed humanity under the heaviest obligation. However, it is not my intention to give a lecture on history; all that I ask for my client is protection in the enjoyment of the invention, on the perfecting of which he has spent a lifetime. For, unlike Minerva, the obscure sentence did not spring full-armed and articulate from the mind which conceived it. No, like the 'possum, it came incompletely developed into the world, requiring a period of quasi post-natal gestation. May it please the court—"

"One moment, Mr. Loomis," interrupted Mark Twain, "where did you learn your medicine?"

"Your honour, I have read 'Science and Health,' so I know all about everything—save science and health."

"Ah, I see! Pray, continue, Mr. Loomis."

Mrs. Eddy stirred uneasily in her seat and leaned over and whispered with her attorney.

"May it please the court," continued the

sheriff-counsellor, "I shall not take up further time with introductory remarks. With the court's permission, therefore, I shall put my client on the stand."

The presiding judge signifying his approval, the complainant walked to the witness-chair and took oath to speak the truth and nothing but the truth.

"In good, commonplace English, now, Mr. James," said Mark Twain—"no patent obscure sentences for the present, please."

"My aim shall be to achieve the centrum of perspicuity with the missile of speech," was the concise reply, "propelled, as in the case of truth's greatest protagonists, by the dynamic force of exegetical insistence, eventuating in unobfuscated concepts."

"Well, Mr. James," said Mark Twain indulgently, "if you stick to plain, everyday English like that, the court has no kick coming. Proceed with the examination, Mr. Loomis."

"Now, Mr. James," said Loomis, "I should like to ask you a few questions. You were born in America, I believe?"

"By the irony of fate."

"And you live in England?"

"By the compensation of events."

"Will you tell the court why you left America?"

"Because it is the home of the obvious."

"The home of the obvious? Ah, I see! You do not like the obvious, then?"

"Mr. Loomis," said the witness solemnly, "if there is anything I hate worse than the obvious it is the clear. You have read my books?"

"Some of them, and it is of them that I wish to speak. Will you kindly give us your theory of fiction?"

"Fiction, as I conceive it," said the witness slowly, "is the science of inaction, the microscopic study of the subliminal, the analysis of the shadowy."

"That strikes me as a very good definition, Mr. James," said Mark Twain; "but I must call your attention to the fact that your early books hardly bear out your theory—'Daisy Miller,' for instance, shows in reprehensible degree the youthful fault of being interesting."

"Your honour," said the great dissector

sadly, "what you say is unfortunately true. But what one of us has not committed youthful indiscretions? The past, alas! is immutable, it only remains for us to do the best we can to counteract the evil influence of ill-considered actions. That I have striven conscientiously to do—I defy any one who has read 'The Wings of the Dove' or 'The Awkward Age' to say that once during the perusal he experienced a thrill of genuine, unadulterated pleasure. There, does that not make up for any unfortunate interest attaching to 'Daisy Miller' or 'Roderick Hudson'? I leave it to the court to decide whether I have expiated the past."

"You have, most certainly," said Mark Twain, evidently much impressed. "Proceed with the witness, Mr. Loomis."

"Now, Mr. James," said the examining attorney, "let us come to the matter in hand —the patent obscure sentence. Will you kindly explain to your obfuscated countrymen, as, no doubt, you would style them, the object of this invention?"

"The object of the obscure sentence," said the complainant, with sudden awaken-

ing of interest, "is manifold. It is useful, mainly, as the repository of weak and impotent thoughts. But it is more than that. Talleyrand claimed that language was invented for the purpose of concealing thought; I have carried the process to its ultimate conclusion, and invented a form of language for the concealment not only of thought, but of the lack of thought. Beyond that it is impossible to go. But the obscure sentence subserves a further purpose. It is a Blue Beard castle in which all sorts of improprieties are committed, but into which the young person, that arch-enemy of fictionists brought up in France, has never been known to penetrate. No one under twenty years of age can by any possibility gain admittance into one of these chambers of horrors unless accompanied by an older person. For instance, what, seemingly, could be more innocuous than this statement on page 50 of 'What Maisie Knew'—'Familiar as she had become with the great alternative of the proper, she felt that her governess and her father would have a substantial reason for not emulating

that detachment.' I depose, you might let any youthful mind loose on that sentence, even that of Anthony Comstock, and the result would merely be that of a dog's worrying an armadillo. Am I not right?"

"You are, sir," replied Mark Twain; "especially as regards the mind of our *censor morum.* But pray, proceed."

"The scientific name of my invention," continued James, "is the *scntentia obscura;* and like the *camera obscura* of the photographers, it serves for the projection of certain ideas and images, not safely to be presented immediately to the mere Anglo-Saxon mind. For that reason I have strongly recommended its use to George Moore, but to no purpose. Indeed, I have even sent him samples, but he has returned them unused. What are you to do in such a case?"

"What, indeed?" repeated Mark Twain, sympathetically; "it's discouraging. But to continue, Mr. James, when did you conceive your great idea, when did the germ of the invention first lodge in your mind?"

"Your honour," replied the author, "I have

always had a faculty for dissecting an emotion until there was nothing left of it; and further, I may say I showed a tendency to write so that nobody could understand, even while I was still learning my letters. And what's the use of having a talent, unless you develop it, even if it's only the talent of joking?"

Mark Twain and Herford looked as serious as owls.

"Well," continued the inventor, after an expectant pause, "I early perceived that although language had been carried to a high state of perfection, yet the highest degree of obscurity had not been reached, and I determined to reach it. George Meredith, it is true, has done much to help on the good work, but even he has stopped short of the ultimate—his most involved sentences *can* be analyzed with patience and a dictionary, whereas mine defy all efforts of the most *entêté*. Dr. Johnson defined network as 'a reticulated structure with interstices between the intersections.' Similarly, I should define literature as an

articulate obstruction with obscurities between the interjections."

"You are most happy at definitions, Mr. James," said Mark Twain; "but unfortunately we are not getting any nearer to the matter under dispute. You have told us at some length of the conception and development of your idea of the *sententia obscura,* but as yet we have heard nothing in regard to the infringement of your patent by the author of Scientific Idiocy. What is your ground for complaint?"

"Your honour," said Mr. James impressively, "take your own case—would you relish an infringement of the pseudo-humorous? I ask——"

"Silence!" cried the presiding judge, rapping sharply on the desk. "Stick to the subject in hand, or if you must refer to the pseudo-humorous, take Herford's books. But to proceed, in what way has the defendant encroached upon your patent?"

"In what way, sir?" exclaimed Henry James—"have you ever read anything by her?"

"I have tried, Mr. James."

"And yet, your honour, you consider it necessary to ask wherein she has infringed upon my patent? Have you ever understood what she meant?"

"Never by any chance."

"Well, then, don't you see that she has used my patent obscure sentence without giving me credit for it?"

"Oh, that's the point, is it?" cried Mark Twain. "Well, I must admit there is a good deal, apparently, in your contention. Have you anything to say, sir?" he asked, turning to the extremely youthful attorney beside Mother Eddy.

"May it please the court—" began the lad in frightened tones, when Mark Twain cut him short.

"By the way, are you old enough to practice in this court? Are you of age?"

"Mentally or physically, your honor?"

"Physically, of course. I know you're not mentally of age, or you wouldn't keep the company you do."

"Yes, sir," replied the embryo lawyer, "I was twenty-one yesterday."

"Mrs. Eddy," said Mark Twain sharply,

addressing the Mother of all the Christian Scientists, "what do you mean by entrusting your affairs to a child like this? Why did you employ him?"

"He comes cheap, your honour."

"Ah! I might have suspected. What do you pay him?"

"One of my souvenir spoons. Another lawyer would have cost real mortal mind money."

"For your own interest, madam," said the presiding judge, "I feel compelled to advise you to conduct your own case."

"I shall, sir, indirectly," was the reply—"if he gets stuck, I shall treat him."

"Well, be careful not to treat him backward. And now, pray, continue."

"May it please the court," began the youthful pleader again, "I shall not cross-examine the complainant; instead, I shall humbly request Our Mother to take the stand."

"Our Mother who art in Boston," murmured Herford, irreverently.

"Now, Mother," said the possessor of the magic spoon, when the high priestess had

relieved James, "I shall make my questions as short and dutiful as I can. How old are you?"

"As old as truth."

"Where do you live, Mother?"

"In Concord."

"In concord—with whom?" cried Herford in surprise.

"With the healers, your honour."

"Mother," said the presiding judge earnestly, "we wish to keep politics out of this investigation as much as possible, so kindly omit the ward-heelers. Tell us, is it true that you are never going to die?"

"Well, not if Humphrey's specifics can prevent it."

"Umph, I see!" said Mark Twain. "Continue your questions, Mr. Spooner."

"Now, Mother," said the young advocate deprecatingly, "pardon the question, but is it true that you used the complainant's patent obscure sentence without giving him credit for it?"

"My son," replied the avatar of Confuse-us, "only those not in Science need an answer to that question. I answer it on

page 12 of my great work. I say there: 'No human tongue or pen has suggested the contents of the "Science of Wealth," nor can tongue or pen overthrow it.' In my wisdom I foresaw this charge of the ungodly."

"What is the charge of the godly, Mrs. Eddy?" asked the presiding judge.

"In what binding, sir—full leather, rice paper and gilt edges? Seven dollars and eighty-five cents."

"I thought the price must be something like that," said Mark Twain, "for on page 275 of your immortal book you say: 'A Christian Scientist requires Science and Stealth, and so do all his students and patients.' That, I believe, is your Scientific Statement of Being Rich. By the way, were you one of the Captains of Industry invited to meet Prince Henry when he was over here?"

"Your honour," said the head of the great publishing trust, "compared to me, the men invited to that dinner were mere amateurs in the science of money-getting. Mr. Rockefeller and Mr. Carnegie have been known to contribute to charity. I have

done away with such waste-pipes to wealth. There is no charity in Christian Science."

"Excuse me, Mother," said Herford apologetically, "but why do you write your religion C. S., instead of S. C.—Strictly Cash?"

"Your honour," was the sententious reply, "it is not true that a bait by any other name would catch the fish."

"Continue," said Mark Twain impatiently; "we are wasting too much time with finding out what we already know."

"Now, Mother," said the youth who had not been born with a memorial spoon in his mouth, "you have already refuted the contention that you used the Henry James patent obscure sentence without credit by citing your own inspired words. Still, to make this doubly clear even to the unscientific mind, I will ask you a few questions. When was the first edition of the 'Science of Wealth' published?"

"In the year 1875."

"And since then have there been any changes in the book?"

"Only such trivial alterations as enabled

me to order my followers to buy up each edition as it appeared."

"And how many editions have there been up to the present time?"

"Over two hundred."

The young man with the silver spoon looked triumphantly about the room, as one who says, Isn't that proof that the "Science of Wealth" was inspired?

"And in all of these editions," he continued, addressing the witness, "you have employed obscurity, I believe, as your chief weapon?"

"As a student of my book, my son, you yourself know that you speak the truth. How else could I have succeeded as I have done?"

"And for this idea, Mother, you were indebted neither to Henry James nor to any one else—it was your own original idea?"

"It was—it was my only original idea."

The complainant's chances began to look dark.

"May it please the court," continued the silver-spooned orator, turning toward us, "you have heard the testimony both of the

complainant and of the defendant as regards the conception of the great idea of obscurity. By the complainant's own admission, his invention is the product of his later years, of his own literary awkward age; whereas my client has always been obscure, she has never been anything else. I quote from the opinion delivered in the year 1900, by Judge Alvey of the Court of Appeals for the District of Columbia, in the patent case of Christensen *versus* Noyes—it settles once and for all the question of priority. 'It is a settled principle in the patent law,' says the learned judge, 'that the date of an invention is the date of the discovery or clear and definite conception of the idea involved and the attempt to embody it in some external form or shape.' This Our Mother did as early as 1875, when the complainant was still writing such childishly clear and entertaining stories as 'Daisy Miller' and 'Watch and Ward.' How, then, can he claim priority in the field of obscurity, in which Our Mother has raised such a rich crop of confusion and humbug? Indeed, I am inclined to think

an action would lie against the complainant in this suit for infringement of my client's patent. I have finished with the witness."

"Do you wish to examine the witness, Mr. Loomis?" asked Mark Twain.

"Yes, your honor, I should like to ask her a question or two. But I shall detain the court only a very few moments. Now, Mother, you have laid claim to priority in the great commercial conception of obscurity, and the court must decide between you and my client. In this connection I would ask you, is it true that the antecedents of your relatives are often obscure?"

"The antecedents of my relatives, Mr. Loomis?" repeated the defendant—"why, not only that, but my own antecedents are obscure."

"That is promising," said Loomis, solemnly. "However, priority is not the only question involved in this suit—the question of degree also enters into it: plain, every-day obscurity is not enough, you must be able to show obscurity of the high order exhibited by my client in all of his later books in constantly increasing perfection. To

show you what I mean, I shall read you a sentence or two, abridged of course, from 'The Wings of the Dove,' and you can then see whether you are able to match these selections with anything from your own writings. On page 73 of the novel referred to we find this puzzle—listen attentively, or you are lost:—'the extinction of her two younger brothers—the other, the flower of the flock, a middy on the Britannia, dreadfully drowned, and not even by an accident at sea, but by cramp, unrescued, while bathing, too late in the autumn, in a wretched little river during a holiday visit to the house of a shipmate.' Whew! There, what do you think of that?"

"I think, sir," was the authoress's prompt reply, "that he should have had immediate Christian Science treatment, at eight shillings per."

"Well, I must admit that is a good practical interpretation," said Loomis. "I'll try you again on something easier. On page 6 of the same delightful book my client makes this statement regarding the heroine: 'More "dressed," often, with fewer accesso-

ries, than other women, or less dressed, should occasion require it, with more, she probably could not have given the key to these felicities.' Can you crack that nut, Mother?"

"That's easy," said the lady from Concord—"it's only a new dress for my own Scientific Statement of Being: 'There is no Life, Substance or Intelligence in matter. All is Mind and its infinite manifestations.'"

Loomis shook his head in wonder.

"By George!" he said, "you're the best interpreter of Henry James I have come across. He told me himself what that sentence meant, and although I've forgotten what he said, it wasn't as clear a statement as yours by a long shot. Perhaps, however, you will favor us with a sample of your own obscurity for comparison with my client's?"

"With pleasure, Mr. Loomis. But you will find my obscurity of a different nature, much more subtle. Like my students, doubtless, you will imagine that you understand what I shall read to you, while in reality remaining blissfully ignorant of its

meaning. That is the true obscurity—*obscurum in claro.* If you wish to make literature pay, young man, you must learn the secret of befuddling your audience while seeming to enlighten it. Do you take me?"

"As never before, Mother."

"Well, you are one of a very small number who do. But now for some samples of the higher sort of obscurity. Hand me the 'Science of Wealth.' I open it at random—thus. Hear what I have written. 'Think of thyself as an orange just eaten, of which only the pleasant idea is left.' 'Man is neither young nor old; he has neither birth nor death. He is not an animal, vegetable or migrating mind—passing from the mortal to the immortal, from evil to good, or from good to evil.' And again, 'There is but one God. The spiritual He, She and It are Mind and Mind's ideas.' And once more, 'Adhesion, cohesion and attraction are not forces of matter. They are properties of Mind; they belong to Principle.' Now there, young man, I have no doubt you think you understood all that. If you

did, you have done more than anybody else ever did, that's all I can say."

"Have you any more samples like those?" asked Herford weakly.

"Plenty; my book is made up of them. One more, however, will suffice, and I leave the writer in *The North American Review* who says that it is better to be refined than accurate in dealing with Christian Science, to judge whether it is a statement of truth or not: 'A man respects the reputation of a woman, but a mouse will gnaw in the dark at a spotless garment.' Have you finished with me?"

Mark Twain looked uncomfortable.

"I wish I had been accurate instead of refined," he murmured, doubtless in recollection of his having christened the C. S. Journal "that literary slush-bucket."

"Take your seat, madam," he said sharply.

With triumphant air the inventor of the Strictly Cash system rose and swept to her place beside the silver-spooned orator. As she did so she gave utterance to this striking paraphrase, which, doubtless is from

her Key to the Scriptures: "The world is my oyster, I shall not lack."

Ten minutes later, after short arguments by the two attorneys, Mark Twain, Herford and myself retired to take the case under consideration. In view of the testimony, there was no possibility of disagreement, and this was the judgment at which we quickly arrived and which was delivered by the presiding judge at the next sitting of the court:

"After a careful consideration of the testimony offered both by the complainant and the defendant, in the case of James *versus* Eddy for infringement of patent, the court finds for the defendant, Eddy, on every count. The testimony does not show an infringement of patent on the defendant's part. On the contrary, an examination of the works of the defendant shows clearly that her obscurity is of her own invention, beyond the mental capacity of mere man. To make clear the difference between the obscurity of the two authors, the matter may be thus stated: In reading the complainant's later writings, one cannot, it is

true, by any effort of the mind understand the separate patent obscure sentences; but at the end one has a fairly foggy idea of the lack of progression in the story, and could give a more or less confused account of the events which have not happened. In the case of the 'Science of Wealth,' on the other hand, the wayfaring man, though a fool, can detect the misleading statements which *lie* in between the half-truths scattered through the book; but the recording angel himself, although used to clerical work, would fail to tell what the book was about at the end of the twentieth perusal. The costs are on the complainant."

III. The Mummy and the Humming-bird, *being the case of* The People *vs.* John Kendrick Bangs and James Brander Matthews

Evidence of Larceny of Jokes was ruled out on grounds of public policy, as tending to establish a dangerous precedent, but it was

Held, That the fact that a lack of humor, if not proven to be that of others, under the above ruling, is no reason for acquittal; also that the admission of a literary expert in an article upon the art of writing may be used against him in evidence of the crime of unjustified narration.

Verdict: Guilty in the Second Degree with recommendation to mercy.

"PRISONERS to the bar!" cried the clerk of the court, and the two accused authors rose and advanced to the boundary-railing in front of the clerk's desk.

"John Kendrick Bangs and James Brander Matthews," began Mark Twain, severely, "are you represented by counsel?"

"Yes, sir," jauntily replied Bangs, speaking for himself as well as for his frightened companion; "this is our counsel, Mr. James Lindsay Gordon."

Mark Twain fixed his glowing eyes on the classic features of the young lawyer who stood at the speaker's side.

"Humph! he's a poet, ain't he?"

Mr. Gordon flushed crimson at the insult.

"I have written verse," he said, with great self-restraint, "but by profession I am a lawyer."

"Well, I'm satisfied if your clients are," said the presiding judge, "it's their risk, not mine."

"He was the best we could get, your honour," piped up the Professor timidly; "all the other lawyers we went to said they believed in our guilt, and refused—*ouch!*"

His companion's attempt to check him had come too late. He now looked at Bangs ruefully, but that facetious individual was making pretence of being unaware of the Professor's existence.

"Are you satisfied with the make-up of the jury that tried Richard Harding Davis, Mr. Gordon?" asked Mark Twain, "or do you wish a new panel?"

"We are satisfied, sir."

"Very well; let the trial proceed."

Instead of diminishing, public interest in the proceedings of the Literary Emergency Court had increased, and the attendance at our second criminal session was at least equal to that when a just fate had at length overtaken the author of "Soldiers of Fortune." Moreover, we now felt that we had the people back of us; every newspaper in New York had printed laudatory editorials on our courage in condemning this corrupter of the public taste, and had given expression to the hope that we would show equal firmness in dealing with other offenders. In addition, each post brought letters of gratitude from parents of young

girls throughout the country, couched in language such as comes only to those whose offspring have been rescued from an awful fate.

At the preliminary arraignment both of the accused had entered the plea of not guilty, despite the array of evidence which they must have known we were prepared to offer against them.

"May it please the court," said Loomis, rising at the close of the foregoing preliminaries, "your honours have before you to-day a case of similar nature to the one recently disposed of with such perspicuity, but one which differs in several respects from that of the People against Davis. That was a case of facts; this is, to some extent, a case in which expert testimony will be needed to prove the guilt of the accused. These men have not allowed themselves to be taken red-handed, they were too clever for that; they have carefully covered up their tracks. But they are none the less guilty. As I said before, it will be necessary to put experts on the stand to fasten

the crime on one of them, at least, so well is his humour disguised. However——"

"One moment, Mr. Loomis!" I interrupted. "You don't mean to say that we are going to have handwriting experts in this case, do you?"

"No, your honour," replied the prosecutor, "handwriting experts would serve no purpose in the present instance, as the worst felonies of the accused have been committed with the typewriter. But I do not despair on that account. I shall fasten their crimes on them in due course. And now, if it please the court, we will proceed to the hearing of witnesses. I shall leave the experts till the last."

"Call your witnesses," said Mark Twain.

At this inopportune moment Herford leaned across to me and propounded the following riddle:

"What is the difference between a professor of English who writes stories and one who does not?"

Not to disappoint him I asked for the answer.

"One babbles of diction and the other

dabbles in fiction," he said, triumphantly. And this man had been made a judge over others!

"Bernard Shaw!" called the clerk. Every one sat up with sudden interest.

Bernard Shaw, however, proved to be a red-cheeked, phlegmatic youth of sixteen years of age, who, after having been sworn, described himself as an attendant at the Astor Library. His duties, he said, consisted in delivering books to readers and in wandering through the rooms to see that no one stole or misused the property of the institution.

"Now, Bernard," said Loomis, after having elicited this information, "have you ever seen this defendant before, the one—with—without any hair apparent?"

"Mr. Bangs?—yes, sir, often."

"In the reading-room?"

"Sure."

"And you have brought books to him?"

"Yep."

"What were they, as nearly as you can remember?"

"Alluz the same. He alluz kep' 'em re-

served for himself: Bill Nye, Hudibras, Fable for Critics, Artemus Ward, and Mark Twain."

A smile flitted across the face of every one present.

"And what did he do with these books, Bernard?"

"Copied out of 'em."

"He copied out of 'em, did he? Well, now, I want you to tell the court what happened on the fifteenth of last September, what experience you had with the prisoner."

"Well, you see, it was this-a-way," said the lad, in the indifferent manner proper to a library attendant. "I was standin', leanin' against a shelf, lookin' at him sorter careless-like, when suddintly I seen him begin to laugh, and then up he snatched his pencil and begun to write as hard as ever he could lick it. In a flash I knowed what he was up to, and as it's my business to see that nobody steals nothin' from the library, up I crep' to him on tip-toe, without his seein' me, until I got alongside of him and then I hollered out quick, 'What's that?' Gee

whiz! you ought to seen him jump! But before I could get a look at what he was writing he'd covered it up with his hand. 'Let me see that!' I said, but he wouldn't, so off I started to get the director. When I come back, though, he was gone, and I ain't seen him from that day to this."

"Now, Bernard, what do you think he was doing?"

"Stealin' jokes, sure."

"I object!" cried the defendant's lawyer, springing to his feet. "This is only supposition."

"I don't know about that," said Mark Twain. "It looks suspiciously like something else. What's your opinion about admitting this point?" he asked, turning to Herford.

"You'd better rule it out," was the hurried reply, "just as quick as you can, or you'll be getting us all into all sorts of trouble. Think of the precedent."

"Objection sustained," announced the presiding judge.

The witness was then turned over to Mr. Gordon for cross-examination. Of course

it proved an easy matter to show that the boy's testimony was devoid of all basis of certainty, but the moral effect of his story on the jury was not materially lessened.

The next witness was the director of an asylum for the feeble-minded. His testimony was to the effect that through an oversight copies of the New York Sunday *Times*, containing instalments of "The Genial Idiot," by the accused, had found their way into the institution and had caused such a rumpus that he was likely to lose his place.

"The inmates are firmly convinced," declared the witness, glancing timidly around, as though expecting to find them on his track, "that some one has been reporting their conversation for publication, and of course they accuse me. You have no idea how sensitve idiots are to imitation."

"Is it a good imitation?" asked Mark Twain.

"That's the trouble, your honor—it's perfect."

There was evidently nothing to be

gained by subjecting this witness to cross-examination, and the defence wisely waived their privilege.

"Now, your honours," said Loomis, "if it please the court, I should like to call one expert at least."

"Very well," said Mark Twain.

Thereupon the name of Creighton Barniwinkle was called, and a long, lugubrious, sad-eyed individual stepped forward and took the stand. His age, he said, was seventy-seven, and for fifty-eight years he had been on the editorial staff of various humorous publications. He had frequently qualified, he stated, as an expert on humour.

"Have you read the writings of the accused, Mr. Barniwinkle?" asked Loomis.

"Yes, sir, the entire collection."

"How many volumes is that?"

"Thirty-three."

Bangs shifted uneasily in his chair.

"Well, now, Mr. Barniwinkle," continued Loomis, pitilessly, "will you state what, in your opinion, is the funniest thing in the entire range of the writings of the accused?"

Instantly came the reply.

"The manner in which, on page 20 of the book called 'Peeps at People,' the author confuses the starboard and port sides of a ship."

"That will do, Mr. Barniwinkle," announced Loomis, and the witness started to leave the stand.

"One moment, please!" cried the defendant's lawyer, rising, "I should like to question the witness."

Accordingly the melancholy authority on jokes reseated himself.

"Now, Mr. Barniwinkle," said Gordon, in his sweetest manner, "you say you are an expert on humour?"

"Yes, sir."

"And you have had a long experience in such matters?"

"All my life."

"Humph! Let me ask you a question: Have you never made a mistake in your specialty? Have you never thought something funny which was not, or *vice versa?*"

For a moment the witness hesitated.

"Yes—once."

"When was that?"

"When I was editor of the *Buffalo Bull*, I once accepted a story by Charles Battell Loomis."

Of course this brought down the house. Quickly seizing the unexpected advantage, Mr. Gordon declared that he had finished with the witness. But Loomis was equal to the occasion. So soon as quiet had been restored, he arose and addressed the court.

"May it please the court," he said, "the defence has very cleverly attempted to turn the tables on the prosecution, by showing that I once wrote something humorous which was a failure. I admit the charge. But what then? I am not on trial, and even if I were, one slip would not be enough to convict me. Before this turn of affairs I had intended to call a number of other witnesses, but the defence has very kindly pointed out to me an easier and quicker course. I will accept their hint. They have shown that I once failed to be humorous—well, let them now show that the accused once succeeded in being funny, one

single time, and I will be the first to move for his acquittal."

I caught my breath—did Loomis realize the risk he was running? Surely every man, even the accused, had been funny once in his life! The room was in a buzz of excitement. The defendant's lawyer was on his feet, trying to make himself heard.

"We accept the gage!" he cried. "How shall we test the question?"

"Let the defendant take the stand," said Loomis.

"Willingly!" cried Bangs, and with a jaunty, confident air he walked to the witness chair and sat down.

"Put that table yonder where the defendant can reach it," ordered Loomis, indicating a table covered with the thirty-three bound volumes of the works of the accused and with a thick pile of newspaper magazine supplements. Two attendants staggered with their loads to the point indicated.

"Now, Mr. Bangs," said Loomis, when these preparations had been completed, "before you is a collection of your works,

together with the issues of 'The Genial Idiot'—am I right?"

The defendant nodded.

"Well, I give you *carte blanche*—take up any volume you choose, turn to any part of it you choose, read out any portion you choose, and we will then leave it to the jury to decide whether what you have read is funny. Does that strike you as fair?"

"Perfectly so," said Bangs, with a smile, as one who says, "What a soft proposition you are!" Thereupon he leaned forward to select the volume from which to read. For a moment he hesitated, then he made his choice. As he opened the book I read the name on the back, "Over the Plum-pudding." For several moments of expectant silence he turned the leaves in his search for something excruciatingly funny. Suddenly a triumphant smile illumined his face.

"Ah, you have found it!" said Loomis. "Won't you share it with us?"

"Listen!" said Bangs, turning toward the jury. "This is from the conversation between a young student at college and a

ghost of one of the students of a hundred years previously.

" 'Ah?' said Parley, smartly, 'you had blue cows in your days, eh?'

" 'Oh, my, yes!' replied the strange visitor; 'lots of 'em. Take any old cow and deprive her of her calf, and she becomes as blue as indigo.' "

The author ceased and looked at the jury with expectant smile. Death-like silence reigned in the room. But suddenly from the rear came a loud guffaw, and then one of the jurors began to shake with laughter —it was the plumber! His companions regarded him in amazement.

"Ah, well—I'm afraid—ah—that wasn't a very happy choice," stammered Bangs; "it seems to be somewhat over their heads. May I have another trial?"

"Certainly," replied Loomis, indulgently.

"Perhaps you wouldn't mind my selecting another book, either?"

"Just as you wish."

Evidently Loomis felt sure of his ground.

"Ah, here I have it!" cried the author, taking up a fresh volume. "This is called

'Ghosts I Have Met.' Let me see, now. Yes, here's a good thing on page 5. I am speaking, you must understand, of cigars at this point. 'They—namely, the cigars—cost $3.99 a thousand on five days in the week, but at the Monday sale they were marked down to $1.75, which is why my wife, to whom I had recently read a little lecture on economy, purchased them for me. Upon the evening in question I had been at work on this cigar for about two hours, and had smoked one side of it three-quarters of the way down to the end, when I concluded that I had smoked enough.' There, now, isn't that funny?"

This time there was no answering laugh; a wan smile was on the faces of the twelve men in whose hands his fate rested. Even the plumber had left him in the lurch.

"Are you satisfied, Mr. Bangs?" demanded Loomis, and the humorist recovered himself with a start.

"Oh—ah—just one more trial!" he begged—"just one more!"

"Very well, one more, then."

Evidently the defendant realized the im-

portance of this final test, and for some minutes he searched in vain for something to meet his wishes. Finally, however, he disovered what he was looking for, and this is what he read to us from page 10 of the same book from which the previous selection had been taken.

" 'I must claim in behalf of my town, that never in all my experience have I known a summer so hot that it was not, sooner or later—by January, anyhow—followed by a cool spell.' "

Certainly, the reading of this paragraph was followed by a cool spell: a more sober-looking set of men than the jury at that moment it would be difficult to find. Bangs turned his eyes appealingly toward Mark Twain's countenance, but what he saw there must have discouraged him. His jaw dropped and he turned helplessly to Loomis. The same thing, evidently, had happened to him which had happened to Davis at the previous trial: the sudden realization of his desperate plight had flashed across his mind. Nevermore would he demand—and get—three cents a word

for the sayings of an Idiot! Poor fellow! Slowly he rose to his feet and started back to his chair beside Gordon.

"One moment, please, Mr. Bangs," said Loomis. "Just one more question."

The defendant reseated himself.

"Now, Mr. Bangs, I want to ask you to give the jury an exhibition of your skill in making jokes; to show them how humorous writings are concocted. In other words, make up a joke now, on the spur of the moment, such as you include in your weekly instalment of 'The Genial Idiot.' That should be an easy matter for you."

"Well, let's see," said the defendant, perceptibly brightening at the prospect of showing off, "what shall it be? Ah, yes, I should go about it something in this manner. I'd run over in my mind, you see, a number of recent events which had attracted public attention, and then I'd select one of these, as for instance, the trial of the Christian Scientists at White Plains for manslaughter, and about this I'd build my joke, something in this manner:

"'Ah, Mr. Brief, you are looking pale

this morning,' said the Idiot genially, as he carefully spread the napkin over his knees.

"'I have reason to,' was the lugubrious reply. 'I have been retained to defend John Carroll Lathrop against the charge of manslaughter.'

"'Man's daughter, you mean, Mr. Brief,' corrected the Idiot, 'man's daughter. But tell me, is he a pupil of Mrs. Eddy herself?'

"'Yes, he's a graduate of the Massachusetts Metaphysical College.'

"'Of what? You've got the wrong name, Mr. Brief—it should be the Massachusetts Institute of Necrology,' and then the Idiot gazed triumphantly around at the other guests.

"There, Mr. Loomis, how does that strike you?"

"Admirable, Mr. Bangs, admirable; you couldn't have done it worse with a pen. That will do, Mr. Bangs, you may take your seat."

"And now, may it please the court," said Loomis, turning to address Mark Twain, Herford and myself, "the prosecution will

rest its case. The defence can now present their evidence."

Therewith he sat down.

"One moment, Mr. Loomis," said Mark Twain, holding up his hand, "you have forgotten something—how about the other defendant?"

Loomis turned and fixed his eyes on the Professor, who was crouched down in a timid heap on the far side of his counsel, in the effort to escape notice.

"By George!" cried Loomis, with a whistle of surprise—"if I didn't forget him! There he's sat like a little lamb all the time and never said booh! A little more, and he'd have gone scot free. Well, I suppose we've got to try him. But if the court pleases, I shan't trouble to call any witnesses against him. I shall simply demand his conviction on the strength of a few passages from his own works, which I shall presently read. Professor, will you take the stand?"

"Humph—humph!" cried the defendant, violently shaking his head. Evidently he

had determined that wild horses should not drag a word out of him.

"That's a pity," said Loomis, more to himself than to the court. "I should have liked to ask him whether he thought the fatality of its name had had anything to do with the premature demise of the 'Brandur Magazine.' However, I can get along very well as it is. Hand me that book, the last one on the right. Thank you. Now, may it please the court, I hold here in my hand a work by the accused entitled 'Aspects of Fiction,' from which, in a moment or two, I intend to read a few passages. I may state, however, in passing, that this is only one of some thirty volumes by this delinquent. But I do not wish unduly to poison the minds of the jury against him, so I will not lay stress on this point. Indeed, I would not mention it were not the majority of these books works of fiction, and it is for them that the accused is on trial. What I am now about to read to the court is from page 142, and is part of an essay called 'The Gift of Story-telling.' It is an admirable statement of the case against the author; in-

deed, far better than I could hope to make. As a matter of fact, it is an admirable piece of literary work, and were it not possessed of the fatal boomerang quality, the writer of it would have every reason to feel proud. This is what he himself says of those who can't write fiction, yet insist upon doing it:

"'It is this native faculty of narrative which the writer of fiction must needs have as a condition precedent'—mark the words —'to the practice of his craft, and without some *small* portion of which'—the italics are mine—'the conscious art of the most highly trained novelist is of no avail.

"'This gift of story-telling can exist independently of any other faculty. It may be all that its possessor has. He might be wholly without any of the qualifications of the literator; he might lack education and intelligence; he might have no knowledge of the world, no experience of life, and no insight into character; he might be devoid of style, and even of grammar—all these deficiencies are as nothing *if* only he have the gift of story-telling. Without that he

may have all the other qualifications, and still fail as a writer of fiction.' "

After he had finshed reading this statement of the defendant's literary creed, for several moments Loomis stood, regarding his victim fixedly.

"In view of what I have just read," he said at length, in solemn manner, "I would ask the accused one question: Why did you write 'Vignettes of Manhattan'?"

With finger pointed threateningly at the crouching defendant, Loomis stood, like an accusing nemesis, holding the frightened author with his relentless eye.

"He gives no answer, nor, I suppose, will he give answer to another question which I shall ask him. In an essay on Robert Louis Stevenson in the same volume he makes this statement: 'I recall the courtesy and frankness with which he gave me his opinion of a tale of mine he happened to have read recently.' Mr. Matthews, what *did* Robert Louis Stevenson say?"

Every eye in the room was fixed expectantly on the defendant, but the poor fright-

ened creature was incapable of speech: he could not have replied had he wished to.

"I have finished," said Loomis, simply, and he sat down.

"Mr. Gordon," said Mark Twain, "the defence will now be heard."

Slowly, reluctantly, the defendant's lawyer rose.

"May it please the court," he began, in a low, hesitating voice, "I find myself in the most embarrassing situation of my life. I was retained to defend these two writers against what I considered a most unjust charge. Since coming into court, however, my opinion has undergone a vital change. I now see them in their true colors, and conscience forces me to withdraw from the case at the eleventh hour, painful as it is to me. I, therefore, ask the court to excuse me."

It was impossible not to pay tribute to the courage of this man, self-confessed poet though he was. In a few appropriate words, therefore, Mark Twain released him from his duties, and without even a glance at his former clients, he passed through the silent rows of spectators and from our

sight. Then arose the question of the further conduct of the case: could a fresh lawyer be introduced at this stage to defend the accused, or must the whole thing be begun over again? At last, however, a compromise was effected, with the approval of the two defendants: in order that prosecution and defence might stand on an equality, it was determined to submit the case to the jury without argument on either side. Accordingly at one o'clock in the afternoon this was done, and the twelve men retired to deliberate upon the evidence. For a long time it looked as though they would fail to reach a verdict. Indeed, darkness had fallen, and we had about begun to consider the advisability of having them locked up for the night, when a messenger came to inform us that an agreement had at last been reached. Accordingly we returned to the court-room, and the defendants were brought in, the Professor in a half-fainting condition of fright. Then, to our utter amazement, the following verdict was delivered: Guilty in each instance of *lèse*

majesté to the cause of letters in the second degree, with a recommendation to mercy.

So surprised was Mark Twain that he made the foreman repeat his words.

"I think we had better remand them for sentence, don't you?" he said, turning to Herford and myself. "I wasn't expecting a miscarriage of justice of that sort."

"It was that darned plumber, I'm certain!" said Herford; "he laughed at one of Bangs's jokes."

"The prisoners are remanded for sentence at the next session of court," announced Mark Twain, rising.

Thereupon the two authors, still dazed at the unexpectedness of their escape, were led away by court officers to await the imposing of sentence. As the Professor passed us he turned to his companion in crime and gave voice to the enigmatic exclamation, "Tinkeedoodledum!"—the first word he had spoken since giving utterance to "Ouch!" at the beginning of the trial.

IV. Wards in Chancery

Upon the trial of Mary Augusta Ward for the commission of "Eleanor" and other crimes,

Held, That another and comparatively innocent person whose arrest is due merely to identity of her surname with that of the defendant may be dismissed with a reprimand; also that

A literary crime may be allowed to go unpunished in order to avoid international complications.

Nol. Pros. ordered accordingly

"THEREFORE, John Kendrick Bangs," said Mark Twain, addressing the convicted humorist, "the decision of the court is that you be taken from this place and confined in the State institution at Matteawan for the criminal insane until such time as you shall have been pronounced recovered from your facetious hallucinations. Remove the prisoner."

"One moment, your honor!" cried Bangs anxiously. "Is that the asylum where the inmates thought I had been reporting their conversation? My life wouldn't be worth thirty cents there."

"No, that is not the place," replied Mark Twain. "But before you go let me give you one piece of advice: although birds of a feather flock together, remember when you have reached your destination that it is not a wise thing to utilize that feather as a quill for writing. Now go."

Without further attempt at parley, the author of thirty-three crimes turned and followed the court officer from the room, preserving to the very end the jaunty, confident air which he had worn since the be-

ginning of the trial. It was impossible altogether to suppress a feeling of misplaced sympathy with him. There was, however, but little time for the indulgence of this weakness, as the presiding judge had already begun to address the Professor before his partner in crime had vanished from sight.

"And now, James Brander Matthews," he said, sternly regarding the frightened author, "it becomes my duty to announce the decision of the court in your case. Although we feel that in some respects you are as guilty as the writer just sentenced, yet in view of the fact that it is impossible to conceive that many people have really read your stories, their malevolent influence thus being confined to the editor who published them and to one or two other unimportant persons, we have decided to release you under bonds of $10 for good behavior. Are you prepared to furnish such a bond?"

"Yes, your honor, that is just the sum a magazine owes me for a serial I wrote for them. I'll ask them to pay me at once."

Mark Twain groaned.

"Good heavens! have you no perception of the seriousness of your position, that you talk about a serial? If that story appears, you are a lost man. I shall, therefore, commit you until you have secured a bond from some other source. Remember, though, no serials, no 'vignettes,' no 'royal marines.' Do you understand?"

The Professor nodded.

"Remove him," ordered Mark Twain, and the Professor was led away to temporary confinement.

It may be as well to state at this point that a few hours later the bond for his good behavior was furnished by one of his *Bookworm* colleagues, who had indignantly denounced the "Guillotine" in the journal of which he chanced to be the editor, regardless of the danger he himself ran of not becoming its victim.

The disposition here recorded of the cases of Bangs and the Professor had taken place at the opening of the third sitting of the Literary Emergency Court, preliminary to the trial of the fourth offender on our lists.

This was a woman, and it was with considerable trepidation, I confess, that we looked forward to the trial, knowing how deeply rooted in the American breast is the regard for woman, even though guilty of such crimes as "Robert Elsmere" and "Eleanor." Moreover, the present case, of course, was complicated by questions of international law; but on the principle that a crime is punishable in the country in which it is committed, we had decided to proceed with the trial on the charge solely of her American copyrights, trusting to the good sense of the English people not to quibble about so trivial a detail as nationality in so important a matter. Besides, did we allow this opportunity to bring her to justice to escape us, chance could hardly be counted on to deliver her into our hands a second time.

"Bring in the prisoner," said Mark Twain to one of the officers.

Instead of obeying, the man advanced and whispered something to him, so low that even I could not hear it.

"Great heavens!" exclaimed Mark Twain,

turning to me, "he says there are two of them."

"Twins?" asked Herford.

"I don't think so, sir," replied the attendant; "leastwise, they don't look like it. One of 'em's tall and thin like, and the other's short and stout. They've been in the same cell since yesterday."

"Man or woman?" again inquired Herford.

"Oh, a female, your honor! Which one shall I bring in first?"

Mark Twain turned toward me inquiringly.

"We'd better have them both in, hadn't we?" I said. "That's the quickest way out of the difficulty."

"Bring in both, then," ordered the presiding judge; and we settled back in our seats to await the solution of the mystery.

"Two women shall be in one cell," quoted Herford irreverently, "one of them shall be taken and the other left. Great Scott!"

This exclamation was caused by the appearance in the doorway leading to the

prisoners' quarters of a rather tall, severe-looking female figure, dressed in black and wearing gold-rimmed spectacles.

"'The Gates Ajar'!" cried Mark Twain. "I might have known."

Closely following the tall one came her whom we were expecting, the "other" twin, as Herford had styled her, the author of "Marcella" and "David Grieve." In her arms she carried a number of books, which proved to be a complete collection of her works. All our attention, however, was needed for her companion, who was in a high state of excitement. Looking neither to the right nor left, she advanced to the enclosure in front of our desks, when she came to a stop and stood regarding us with flashing eyes, struggling for speech.

"What—what does this—mean?" she succeeded at last in ejaculating. "Why am I imprisoned in this manner and kept confined all night in a cell with—with this creature? What does it mean—tell me!"

It was evident that the flood-gates of tears were about to be set ajar unless preventive measures were quickly taken.

"Madam, madam," said Mark Twain deprecatingly, "I beg of you, be calm! There is some horrible mistake here, I assure you, Mrs. Ward. It was never intended that you should be arrested."

"I can't hear you!" was the tearful plaint. "I can't hear anything! Oh my, oh my, this too!"

"Tell her to take the cotton out of her ears, then," said Mark Twain, addressing Loomis.

"Take the cotton out of your ears!" thundered the prosecuting attorney. The second attempt to make her hear was successful.

"Oh my, I forgot!" she exclaimed, clapping her hands to her ears and removing the obstruction. "Now I hear everything. I put the cotton in because the woman you put me in the cell with insisted on telling me the detailed story of 'Lady Rose's Daughter.' My face burns with shame at the recollection."

"I sympathize with your sensations, madam," said Mark Twain, "and I hope you will accept our apology for this unfor-

fortunate accident. The similarity of names must have been at the bottom of the whole trouble."

By this time, with the unexpected recovery of her hearing and the prospect of immediate release, the purveyor of celestial literature had begun somewhat to recover her usual equanimity.

"And now, Mrs. Ward," said Mark Twain encouragingly, "will you kindly explain to the court how and when you were arrested?"

"Well, your honour," replied the tall lady, "there is very little to tell. I had come down to this wicked city from Boston for a day or two, and had gone to my usual temperance hotel. Yesterday as I was sitting in my room, drinking a glass of sarsaparilla and writing on my new book, 'The Gates Unhinged,' suddenly a young man threw open the door and advanced toward me.

"'Are you Mrs. Ward?' he inquired fiercely.

"'Yes, I am Mrs. Ward,' I replied, 'Mrs. Elizabeth Stuart Phelps Ward. But by what right——'

"'You are arrested for the crime of "Robert Elsmere,"' he interrupted, 'come along!'

"In vain I protested that I was not the person he wanted; that I had never written so wicked a book—he would not listen to a word, but forced me to come with him to this place, where they locked me in with that woman who insisted on telling me the story of 'Lady Rose's Daughter.'"

"Well, Mrs. Ward," said Mark Twain, "I can only repeat my apology and assure you that no such inhuman punishment was intended. Indeed, your arrest was altogether a mistake. Since you are here, however, I will take this opportunity of telling you that as a matter of fact we did examine into your record, and that although there was nothing found—er—deserving of an indictment, yet there are one or two minor points of which the court desires to warn you, purely in a friendly way, you understand. Mr. Loomis, I think you have the notes to which I refer. Will you please convey the court's admonition to the lady at the bar."

"Madam," said Loomis, rising, "I am, as you see, almost young enough to be your hus—your son, so that it is with a certain reluctance that I fulfill the court's command. However, it is my duty to obey. The points in your writings referred to by his honour are relatively unimportant, but of course nothing can be deemed absolutely unimportant in works dealing with heaven and its daily life. Information regarding no other place of which I can think, with one exception, is of such vital interest. However, it is not primarily of the celestial side of your writings that I wish to speak, but of the terrestrial, save that we should like to have your assurance that the marriage in heaven of the young lady in 'The Gates Beyond' with the husband of another woman is borne out by your other revelations, so that no one may be disappointed in his or her hopes of getting a divorce after life's fitful dream. You got your information straight, did you?"

"You may rest perfectly assured on that point," was the reply; "although I do not

quite approve of your flippant way of puting it."

"Your assurance will be welcome, Mrs. Ward," said the prosecuting attorney gravely, "to thousands of people throughout the country, I am sure. However, it is of other matters that I desire to speak. From time to time in your writings you have allowed, doubtless unwittingly, certain expressions of a vulgar nature to slip in, which, we fear, may tend to tarnish the minds of the members of the Epworth League and the King's Daughters who may chance upon them. Thus, for instance, on page 59 of 'The Gates Ajar,' you say: 'Uncle Forceythe wanted mission-work, and mission-work he found here (in Kansas) with—I should say with a vengeance, if the expression were exactly suited to an elegantly constructed and reflective journal.' Of course, Mrs. Ward, I have but to read this paragraph for you to see its impropriety—such an expression has no place, even apologetically, in an elegantly constructed and reflective journal."

"You are right, Mr. Loomis," said the

authoress; "I shall see that it does not occur in the next edition. Is there anything more?"

"Yes, madam, I am sorry to say there is; this time quite a serious matter. The members of the court have deeply regretted to see that your influence has been thrown in favor of hasty and ill-considered marriages, instead of tending to inculcate in young people the wisdom of delay and prayerful consideration in such matters. Thus, on page 21 of 'The Gates Between,' you allow your hero to say: 'Be that as it may, beyond my reach for yet another year she did remain. Gently as she inclined toward me, to love she made no haste.' Yet five pages later on we find this sensational announcement: 'A year from the time of my most blessed accident beside the trout-brook—in one year and two months from that day—my lady and I were married.' Mrs. Ward, can you not make that seven years?"

"Well, I might," she replied, doubtfully. "Suppose, though, we compromise on five years?"

"Well, I think that will do," said Loomis; "but don't forget the two months."

"No, sir, I won't."

"And now, if the court pleases, I have finished with the present writer, and unless your honours desire to examine her I shall excuse her."

"One moment, Mrs. Ward," said Mark Twain, "I should like to ask you a question. Did you write 'The Confessions of a Wife'?"

"Mr. Clemens," was the stiff reply, "I am surprised that you should ask me this question in open court, as you must remember when you first told me you were writing such a story I suggested for it the name 'True Love Ajar.'"

For the first time in my experience Mark Twain was embarrassed. Somewhat sharply he replied:

"Madam, you seem to have preserving on your mind. You are excused, but do not leave the room; we may want you as a witness. Call the case."

"Mary Augusta Ward to the bar!" rang out through the room.

With a start the great English authoress awoke from the perusal of "David Grieve" and rose to her feet.

"You have not heard the indictment read, I believe," said Mark Twain.

"No."

"Do you wish to hear it?"

"No."

"Have you counsel to defend you, or shall we assign you counsel?"

"Neither—I do not recognize your right to try me. Do you realize who I am?"

"I think so, madam."

"I am Mrs.—Humphry—Ward, author of 'Marcella,' 'Robert Elsmere,' 'Sir George Tressady,' 'Eleanor,' and other novels."

"You admit it, then?"

The prisoner regarded him in speechless astonishment.

"You don't seem to understand me, sir—I am Mrs. Humphry Ward, niece of Matthew Arnold."

"Madam," replied Mark Twain, "you force me to remind you of a remark which your uncle once made. 'If it had been intended that there should be a novelist in

our family,' said the great critic, 'I should have been the novelist.' He made that remark late in life, too."

Mrs. Ward drew herself up stiffly and an angry flush overspread her face.

"Be that as it may," she said, with great dignity, "I refuse to discuss the matter with you. I am an English subject, and I have appealed to my ambassador at Washington. You shall smart for this outrage."

"Perhaps—later on. But at present I shall have to ask you to plead to the indictment. Are you guilty or innocent of the crime of *lèse majesté* to the cause of letters? What say you?"

"I refuse to plead."

"Enter a plea of not guilty. Proceed to draw the jury, Mr. Loomis. You have the special panel of Italians for 'Eleanor,' I suppose."

"Yes, sir. I will have the names called."

Under the circumstances there was, of course, little difficulty experienced in securing twelve men to try the accused, as none of them was challenged. All of them were of Italian parentage or birth, and a more

bloodthirsty looking set of men it would be hard to find. It was evident that they had read "Eleanor."

"Now, Mr. Loomis, are you ready to begin?" asked Mark Twain when the last juryman had taken his seat.

Before Loomis could reply, however, a court attendant pushed his way to the front and handed the presiding judge a card. He glanced at it, and then so far forgot himself as to whistle. Then he held it out for me to see.

"Hall Caine" was the name that met my astonished eyes. But there was no time for comment, for the man who looked like Shakespeare was rapidly advancing toward us, regardless of the angry murmurs of the crowd.

"Order in the court!"

As the newcomer ascended the steps of the daïs on which were our chairs, Mark Twain rose to receive him, and I, of course, did likewise. Herford, on the other hand, remained immovable in his chair, busied with a sketch of Cain killing his brother Abel.

"We are much honoured by this visit, Sir Hall," said Mark Twain, extending his hand to the lord of Greeba Castle. "Let me present my colleagues."

This, of course, forced Herford to rise, which he did with a very bad grace.

"Permit a slight correction on my part, Mr. Clemens," said the great novelist, as he prepared to seat himself in the cushioned chair which had been placed for him between Mark Twain's and mine. "I am without title—as yet."

"Pardon me," said Mark Twain, with a bow.

"Don't mention it," replied the Manxman graciously, as he settled himself between us. "Ah, Mr. Clemens, this is a most auspicious occasion. You are doing a noble work, sir, a noble work."

"We think so, Sir—Mr. Caine; we think so. But our labors have only just begun. Just wait until you see whom we bring to trial next time. We had hardly dared to hope, though, to induce you to attend our sittings."

"I was at the photographer's when word

reached me of to-day's session," was the reply; "but despite the fact that I had only had seventeen postures taken, I immediately broke off and hurried around to urge you to prosecute this case relentlessly. The slightest admixture of mercy would here be out of place. Why, to show you the enormity of this writer's crimes, I need only mention the fact that several of her novels have sold almost as extensively as my own."

"No—is it as bad as that?" cried Mark Twain, incredulously. "Perhaps later you yourself will take the stand against her?"

"No, no! People would say that I was actuated by jealousy. Of course, such a thing is as foolish as though Alfred Austin were accused of being jealous of Kipling—I mean the other way round—but you know how ready the world is to impute unworthy motives. But, come, I must no longer interrupt the trial. Pray continue, and from time to time I will give you the benefit of my suggestions."

"Thank you. But pardon me one moment."

Thereupon Mark Twain wrote a few words on a slip of paper, folded it, and handed it to an officer without showing it either to Herford or myself.

"Now, Mr. Loomis," he said, "please continue the case."

I glanced at Herford's sketch. He had finished it, and underneath were the words: "And Caine said, My punishment is greater than I can bear."

What did Herford mean by that?

"May it please the court," began Loomis slowly, "I shall make no speech in opening this case; I shall let it speak for itself; it is perfectly able to. If the accused is agreeable, however, I should like to question her in regard to a few points in her writings."

Loomis paused for a reply, but none was forthcoming.

"Do you hear, Mrs. Ward?" said Mark Twain. "The prosecuting attorney wishes to know whether you are willing to go on the stand."

Slowly the authoress raised her eyes from the pages of "Helbeck of Bannisdale" to the face of the presiding judge.

"I have announced once and for all that I refuse to recognize your right to try me," she said with dignity. "Kindly permit me to read undisturbed."

Mark Twain scratched his head in perplexity, and leaned across in front of our distinguished visitor to consult with me.

"I declare, I'm at a loss what to do with this woman," he said helplessly. "Can we go on and condemn her unheard? What do you think?"

"Tut, tut!" interrupted Caine impatiently, "hasn't she made herself heard enough all these years? She's trying to bluff you. She knows it's her only chance."

"What do you think about it, Herford?"

"Well," replied that individual quietly, "one thing's certain—dead women write no tales."

"Continue, Mr. Loomis," said Mark Twain.

"May it please the court," said Loomis, in obedience to the command, "although the refusal of the accused to take the stand is regrettable, chiefly for the reason that we cannot now hope to learn what great per-

sonage of the past she is the reincarnation of, yet it simplifies the matter surprisingly. Indeed, in view of the intelligence of the present jury, it would be safe, I feel sure, to submit the case to them on the ground of 'Eleanor' alone. Still, to do so would not be to do my full duty. I shall, therefore, beg the indulgence of the court while I read one or two short extracts from the writings of the accused, that the jury may form some idea as to the justice of the indictment. I think, also, such a proceeding will set us right in the eyes of posterity. For this purpose I have selected at random one or two passages from the pages of 'Robert Elsmere' leading up to and during the solicitation of Robert for Catherine's love. It was a strenous time—so strenuous, indeed, that the chronicler of their wooing became somewhat confused in her use of the English language. At the beginning of this duel of love, we are informed: 'And she (Catherine) turned to him deadly pale, the faintest, sweetest smile on her lips.' In view of that 'deadly' paleness, it never surprised me that Robert

hesitated thirty pages longer with his proposal. But at last it came, that beautiful declaration of love which lasts for so many hours and which can be unreservedly and *verbatim* recommended to young men contemplating a proposal of marriage in a storm on the mountain-side. 'Send me out to the work of life maimed and sorrowful, or send me out your knight, your possession, pledged.' To be sure, this is somewhat suggestive of a transaction at the pawnbroker's, but, of course, that was unintentional. I have read this passage to you, however, not primarily for its own sake, touching though it be, but that it might serve as a standard of comparison, as they say in trials where questions of handwriting are involved, with the beautiful extract which I am now about to read. Kindly give me your undivided attention. 'She is a tall, grave woman, with serious eyes and dead-brown hair, the shade of withered leaves in autumn, with a sad, beautiful face. It is the face of one who has suffered and been patient; who, from the depths of a noble, selfless nature, looks

out upon the world with mild eyes of charity; a woman, yet a girl in years, whom one termed his pearl among women.' "

Hardly had Loomis ceased to read before Mrs. Ward was on her feet.

"I protest," she exclaimed, her voice shaking with emotion, "I protest against the practice of the prosecuting attorney to read extracts from my works dissociated from the context. It is not fair to me. Who would pretend to judge 'Hamlet' from one scene, or the 'Divine Comedy' from one canto? That passage must be read in connection with the whole mosaic of which it is a part."

"Madam," said Loomis quietly, at the close of this outbreak, "you declared at the beginning of the trial that you would refuse to defend yourself. Had you stuck to this decision you would have been wise. I did not say that the extract which I just read was from your pen. It was not. What would you say did I tell you that it was from the pen of that eminent novelist, Hall Caine? I did not think you would fall into the trap so easily."

For a moment there was silence in the room. Then some one in the rear laughed, and a ripple of mirth swept over the assembly.

"Silence in the court!"

Hall Caine was bursting with rage.

"This is an outrage!" he exclaimed, as soon as he could find words to express his feelings, "an unpardonable impertinence! To impute my work to the author of 'David Grieve'! Mr. Clemens, I demand an apology for this insult, or I shall leave the court-room."

"One moment, one moment, Mr. Caine!" said Mark Twain in his most soothing manner. "Be calm, I beg of you. Surely you must see that this insult was not contemplated. It was the result solely of youthful indiscretion on the part of the prosecuting attorney. You will have ample opportunity to protest openly, ample opportunity. But, as you must realize, this is not the proper time for it. We must first finish this trial. Have but a little patience."

It was a difficult matter to quiet the Lord of the Castle, but at last, on Mark Twain's

repeated assurance that the offended author would enjoy occasion to protest publicly against this unauthorized use of his name, the great man consented to waive the matter for the present. Mark Twain then instructed Loomis to continue the trial.

"I had contemplated calling a specialist on vivisection," said Loomis, addressing the court, "to testify to Mrs. Ward's inhuman treatment of Sir George Tressady by torturing him to death by inches through thirty pages and more, even reviving him at the moment when it seemed that his sufferings had at last reached an end, but in view of the strength of the case already made out against her, I do not feel that it will be necessary further to encroach on the time of the court and of this intelligent jury. I shall, therefore, rest the case for the state with this single admonition: Remember 'Eleanor.'"

"Do you wish to call any witnesses for the defence?"

No reply.

"Mrs. Ward, do you wish to call any witnesses for the defence?"

Still no reply. Evidently all the attention of the accused was needed for one of the humorous scenes in "David Grieve."

"Do you desire to address the jury, Mr. Loomis?"

"No, your honour; I think that will be unnecessary."

"Well, then, it only remains for me to charge them. Gentlemen of the jury, you——"

Thus far had Mark Twain got in his address when a sudden commotion at the entrance caused him to pause. A moment later a messenger was seen making his way toward us. I watched him with fascinated eyes, a premonition of the truth in my heart.

"A message from Washington, sir," said the man, stopping before the presiding judge and handing him a large, official envelope.

With trembling fingers Mark Twain tore off the cover and spread out the contents to view. This is what met our eyes:

"Mrs. Ward's arrest threatens to cause a revolution among the shop-keeping classes

of London. Protest against her trial has therefore been made by the British ambassador. Her immediate discharge from custody is ordered. Signed, The President of the United States."

There was a sob beside me, and I turned to see a tear fall from Hall Caine's nose.

"Oh, what a blow literature has suffered this day!" he moaned. "Nothing else under heaven could have saved her!"

Mark Twain was the first to recover his presence of mind.

"Let the accused stand up," he commanded in a voice that brooked no hesitation.

"Mary Augusta Ward," he said, addressing the surprised authoress, "owing to executive clemency I am forced herewith to discharge you from custody. You may leave the court."

For a moment she made no reply.

"Ah!" she cried at last. "Did I not tell you that England never deserted her great sons and daughters?"

Therewith she quickly gathered together her complete works, and with a glance of

triumph at our dejected countenances, she turned and swept down the aisle through the rows of angry, threatening people and disappeared into the street.

In a few appropriate words Mark Twain then discharged the jury, and, rising, he started to withdraw, too disappointed to trust himself to speak. Herford and I prepared to follow him, but Hall Caine still continued to sit, crushed by the blow that had fallen, his eyes fixed on space. But suddenly he aroused himself and rose to leave. Without a word he descended the steps of the daïs and started toward the exit.

"One moment, there," said an officer, stepping to his side and tapping him on the shoulder, "you are wanted."

"I am wanted—what do you mean?" cried the novelist, suddenly awaking to full energy.

"I hereby arrest you for the crime of 'The Christian,' 'The Eternal City,' and numerous other novels. Come with me."

For an instant it seemed as though the man who looked like Shakespeare was

about to make a dash for Mark Twain, who had stopped to watch the arrest. But with sudden self-control he forced down his rage and drew himself up with great dignity.

"So, that is the manner in which you distinguish between genius and its counterfeit in literature!" he said scathingly. "For this arrest your name will go down to posterity as that of a vandal. Lead on, gaoler, I submit to barbaric force!"

That, then, was the meaning of the writing beneath Herford's sketch!

V. The Corelli-ing of Caine

Upon preliminary examination of Marie Corelli and Hall Caine

Quaere. Whether two defendants charged with divers like crimes and misdemeanors may be accorded immunity from prosecution upon the offer of each to become State's Evidence against the other?

Note. On account of the rescue of the prisoners by the mob (presumably for purposes of its own) it was deemed fitting by the Court that the case be *Adjourned sine die*

ON grounds of rectitude, I disapproved strongly of the manner in which Mark Twain had enticed Marie Corelli into the jurisdiction of the court; although it was impossible to suppress a feeling of gratification that this arch-offender was at last about to be brought to account for her reckless career of universal reformation and maltreatment of foreign languages. As presiding judge of the Literary Emergency Court, without consulting either Herford or myself, Mark Twain had sent this cable message regarding the man who looks like Shakespeare to the lady who lives where Shakespeare lived: "Come over and attend the trial of Hall Caine for *lèse-majesté* to the cause of letters." In the course of the same day this reply was received: "Am starting immediately. Await my coming. Have important testimony. Congratulations."

A week later Miss Corelli set foot for the first time on American soil, and was received by an officer of the court with a warrant for her arrest. Protests were of no use, as we took good care that neither she

nor the author of "The Infernal City" should communicate with their ambassador, and thus, perhaps, cause another miscarriage of justice, as in the case of Gladstone's protégée. In providing against a distant danger, however, we failed to take into account one at our very door—that, namely, to be apprehended from the great shopkeeping and servant-girl class of our own people, whom we were unselfishly seeking to save from the contamination of these writers. But more of this anon.

The trial of the two great reformers was set down for the second day following the arrival of the biographer of Satan, but on Loomis's suggestion we decided to examine them privately in chambers before official proceedings.

"You see," said Loomis, in urging this course, "frequently under private examination the very worst criminals break down and confess, and thereby obviate the necessity of a long and expensive trial. It's worth while trying, anyhow."

Loomis's suggestion was plausible, at least, so Mark Twain sent for the superin-

tendent of the prison and ordered him to bring the two English writers before us.

"Ah, and it will be a happy day for me, sorr, and the other prisoners," sighed the official, who was of Irish birth, "whin thim two has been condimned and put out of their misery. There's no such thing as sleep now, sorr, with the noise they make a-callin' each other all sorts of names, like copy-cat and p'agiarist, whativer that might be, and each one recitin' of long passages out of their books, showin' how the world is to be reformed. Oh, it's awful, your honours!"

"Why didn't you give them a sleeping potion?" asked Herford.

"I did, sorr, but it only made 'em worse—they talked in their sleep."

"Well, bring them in now, anyhow," said Mark Twain; "but see that they are well guarded so that they can't get quarrelling in here."

Two minutes later the Lord of the Castle was ushered in between two stalwart policemen, and a moment later his great rival entered by the opposite door, under guard

of the matron and a woman detective. At sight of each other they started violently, and an angry flush overspread their faces. Hall Caine's sweeping locks began to rise like the bristles on a dog's back.

"So!" he exclaimed, drawing himself up in offended dignity, "this is the way you insult me, is it? Not content with the outrage committed against literature in my person, you now force me into the presence of this purveyor of cheap and noxious fiction; this woman who has dogged my footsteps at every turn, seeking to pilfer from my books the sacred flame with which to light her own worthless productions. No sooner do I produce that masterpiece, 'The Christian,' than she comes forth with a weak imitation, 'The Master Christian'; again I duplicate my achievement and give to a thankful world 'The Eternal City,' and she forthwith rushes into print with 'Temporal Power,' wherein she seeks to rob me not only of the essence, but also of the very name of Glory. It is too much! I——"

"Stop!" cried the great novelist, rising in the glory of her outraged womanhood, "will

no one stop this man from blaspheming against my genius? Have none of you respect for the repository of the greatest gift of which men and women may be the recipients—the gift of creative power? *Multum in parvo!* The solidarity of human nature renders *e pluribus unum.* But as poor old forgotten Baudelaire so beautifully sang:

'Les étoiles qui filent,
Qui filent,— qui filent,— et disparaient—'"

"Except Mavis Clare," I interrupted, quoting from "The Sorrows of Satan."

For the first time since coming into the room the authoress looked at me. A gracious smile illumined her countenance, and she inclined her head in acknowledgment.

"Ah! I see you have penetrated the thin disguise under which I sought to make the world understand the motives which actuate me in my arduous, unselfish work. I had not expected to find such intelligence in America."

"Madam," I said, assuming an official tone, "it may be that we are not original enough in this country to employ the singu-

lar, *disparaît* with *les étoiles,* as seems to be the custom in your country, still, we are pretty clever at penetrating disguises and unmasking frauds."

Even as I uttered this stern reprimand there stood before my mind's eye, with the clearness of print, the beautiful, modest words in which the author of "Temporal Power" had described herself, and, as it would seem, my own present situation, through the mouth of Geoffrey Tempest: "She was such a quaint, graceful creature, so slight and dainty, so perfectly unaffected and simple in manner, that as I thought of the slanderous article *I was about to write* against her work I felt like a low brute who had been stoning a child. And yet,—after all it was her genius I hated—the force and passion of that mystic quality which, wherever it appears, compels the world's attention,—this was the gift she had that I lacked and coveted."

With a start I pulled myself together—a literary emergency court could not be successfully conducted in such a spirit.

"*Similia similibus curantur,*" quoted Mavis

Clare at this moment, as though reading my thoughts again.

This constant and exclusive attention to his rival had begun to anger Hall Caine, and he now aggressively cleared his throat.

"Ahem! Ahem!"

"Yes, Mr. Caine, we are coming to you, just as soon as my colleague here has finished his little private flirtation."

"*Continuez!*" said Mavis Clare, drawing herself up stiffly and annihilating the presiding judge with a look—"women of high ideals do not flirt!"

The obvious reply to this was that no one had said they did, but for such retort Mark Twain, of course, was too chivalrous. Instead, he turned to the other prisoner.

"Now, Mr. Caine," he began insinuatingly, "it is the wish of the court to ask you a few questions thus privately, in a manner not possible in open court. We think it may lead to a simplification of matters. Of course you are under no compulsion to answer them unless you wish to do so; but it will prove to your advantage in the long

run, I can assure you. Are you willing for me to question you?"

"Your honour," replied the Lord of the Castle with great diginity, "I have nothing to fear. All that I have done has been done upon the housetops——"

"That's true!" murmured Herford.

"Therefore, I say: Ask what you will. There can be no unfavorable witnesses against me."

"Oh, don't be too sure about that!" cried Mark Twain sharply. "We have very strong witnesses. For instance, sir, one of them is ready to testify that in your description of the brotherhood in 'The Christian' you say *compline* backwards, and put 'recreation' before supper instead of afterwards. What have you to say to that?"

"Nothing, sir, excepting that I do not approve of exercise on a full stomach."

"Oh, I see!" said Mark Twain, taken aback, "I see! But I hardly imagine you will be able to dispose of all the witnesses so easily. How will you reply to the jockey who will testify that in the scene descrip-

tive of the Derby in one of your books you have the horses, instead of the jockeys, weighed in before the start?"

"Very easily, sir. I wished to discourage racing, and I thought that by weighing the horses, instead of the jockeys, I might turn the scale against it."

Mark Twain looked helplessly at the utterer of this remarkable speech, at a loss for a reply.

"Humph!" he grunted at last, "if you don't beat the beaters! Mr. Caine, do you speak Italian?"

"*Un porco,*" replied the great man graciously.

At this Mavis Clare burst into uproarious laughter.

"He didn't ask you your name!" she cried —"he asked you if you spoke Italian!"

Hall Caine vouchsafed no reply, merely raising his eyebrows and sternly regarding her.

"Now, Mr. Caine," continued Mark Twain after this interruption, "you have written quite a number of books, have you not?"

The Lord of the Castle bowed acquiescence.

"On serious subjects, I am informed?"

"On most serious, sir. The flippant and humorous has never appealed to me. I leave that to inferior minds."

"Ah, I see!" murmured the author of "Tom Sawyer," "you act wisely."

"I act, sir, as my genius directs me."

"And that directs you, I understand, Mr. Caine, to treat of various countries and peoples. 'The Deemster' and 'The Manxman,' I believe, are laid in the Isle of Man?"

"They are."

"And 'The Bondman' in Iceland?"

"Exactly."

"And 'The Scapegoat' in Cairo?"

"As you say."

"And 'The Christian' in London?"

"Precisely."

"And 'The Infernal—Eternal City' in Rome?"

"Even so."

"And you know all of these peoples and civilizations so intimately that you feel justified in writing of them?"

"Evidently you have not read my books, Mr. Clemens," was the reply, "or you would not ask me. Besides, allow me to remind you that 'Macbeth' is laid in Scotland, 'Othello' in Italy, 'John' in England, and 'The Tempest' heaven knows where."

"I see," said Mark Twain, in the dreamy manner of one who regards an unknown specimen of fauna. "I guess most of your stories are laid in the same place as 'The Tempest.'"

For a moment the Lord of the Castle dubiously regarded Mark Twain, seeking to fathom his meaning. Then with a gracious smile he bowed acknowledgment of the compliment.

"Shakespeare had the advantage of priority over me, Mr. Clemens."

"That is true, Mr. Caine, but you should not begrudge him that one advantage. You should consider the great advantage you enjoy over him in that you can read his works, whereas he cannot read yours."

"Precisely, Mr. Clemens. But, then, no man is heir to the future."

"Your remark leaves nothing further to

be said," replied the author of "Huck Finn," bowing in turn. "However, it was not of Shakespeare's irreparable loss that I wished to speak, but of our too happy, happy lot. I should much like to know your literary plans for the future."

"Well," replied the author slowly, "I am still somewhat in doubt as to what country I shall take up next. I had thought something of Bulgaria, but at present I rather incline toward the United States. I have pretty well decided to write a *comédie humaine* of America. It is a fine field."

Mark Twain caught his breath.

"Yes, it is a fine field," he said slowly, "a mighty fine field. But how long do you think it would take you to treat it adequately?"

"We-ell, I don't know exactly—perhaps two years."

"Humph! I see. Mr. Caine, I have nothing further to say to you. You may sit down."

"One moment, please!" cried Herford, "I'd like to ask a question."

"Yes?" inquired the Lord of the Castle.

"Yes, just one question, Mr. Caine. Now, I have here a copy of 'The Eternal City,' and on page 6 I find a sample of Roma's talk when she was a baby. I'll read part of it aloud: 'Oo a boy? . . . Oo me brodder? . . . Oo lub me? . . . Oo lub me eber and eber?' Now, Mr. Caine, I want to ask you this: Is that, in your opinion, an accurate reproduction of the manner in which children talk?"

"Yes, sir, absolutely—at least, of the manner in which Manx children talk."

"Oh, I see!" said Herford—"their words haven't any tails, have they? I have finished with the prisoner, your honor."

Thereupon the Lord of the Castle seated himself at a convenient table in the manner of the great English bard in the picture entitled "Shakespeare and his Friends," and settled himself to enjoy the discomfiture of his rival.

"And now, Miss Corelli," said Mark Twain to the author of "Vendetta," "with your permission I should like to put a few questions to you. Pray, remain seated.

In the first place, you are a very good woman, are you not?"

"I hope so, your honour. I try not to misuse the great talent which has been given into my keeping. I do not keep it done up in a napkin."

"I see! You send it out that it may gain ten other talents for you—eh? But you don't seem to entertain a very good opinion of the rest of the world, Miss Corelli. Yet I should say the world has used you pretty well. How many copies, now, do you regard as a good sale of one of your books?"

"Well—three hundred thousand is not bad. But, ah! your honour, good sales are not everything!"

"No, not if one has disposed of the copyright. But to continue. I doubt if any contemporary author sells better, unless it be Mr. Caine yonder. How is it, Mr. Caine? How do you regard a sale of three hundred thousand?"

"A mere bagatelle, sir, a mere bagatelle. A good return for one English county."

Mavis Clare sniffed audibly.

"Pooh! I don't believe he ever sold that many books in all his life, unless, perhaps, because people thought they were buying 'The Master Christan' when it was only 'The Christian.'"

In an instant the Lord of the Castle was on his feet.

"I'd have you know—" he began, excitedly, when Mark Twain's gavel cut him short.

"Now, you two stop fighting!" he cried. "You're as bad as Gertrude Atherton and Charles Felton Pidgin."

"Sort of Pidgin-English and Manx mixed," remarked Herford under his breath.

In the meantime, in response to a tap on the shoulder from one of the attendant officers, the great Manx author of so many tales had resumed his seat, with a she's-beneath-my-notice sort of expression, and had regained his Jove-like calm.

"Now, Miss Corelli," continued the presiding judge, "before this unseemly interruption I was about to refer to a point on which you seem to have strong and novel opinions. I mean the critics. Ah, I see

the subject appeals to you. Now, I hold in my hand 'The Sorrows of Satan,' a book in which, I believe, you have given to the world your opinion on everything in heaven and earth and the waters under the earth, but in especial on those noxious vermin, the critics. Am I right?"

"You are, sir, perfectly right. I consider those abandoned, venal men responsible for more of the wickedness in the world than all the rumshops, gambling-houses and churches put together. They prevent the public from reading the only books which could possibly counteract the evil tendencies of the time. Would you believe it, they do not shrink even from attacking my novels!"

"No—is it possible!" exclaimed Mark Twain, in sympathetic tones. "Well, perhaps that will give us the key to the paragraph which I am about to read from page 100 of 'Beelzebub's Griefs.' This is what you say there through the mouth of one Morgeson, a publisher: 'The uncertain point in the matter of your book's success is the attitude of the critics. There are only six

leading men who do the reviews, and between them' (between six, you notice) 'they cover all the English magazines and some of the American, too, as well as the London papers.' Now, Miss Corelli, in view of the fact that a little later on you state that Geoffrey Tempest purchased the venal pen of the leader of the unworthy six, McWhing, for the small sum of five hundred pounds, my colleagues and I should much appreciate your courtesy if you would give us, privately, the man's real name—I think among us we might possibly raise five hundred pounds and get him to praise our books, too. 'Huck Finn' is not selling very well at present. What do you say to my suggestion?"

"Mr. Clemens," said Mavis Clare severely, "I am surprised that you should imagine me capable of aiding in the further debasement of literature. I am more strongly convinced than ever that you have not read my works. But yonder sits a writer who may possibly be willing for a *ne plus ultra* to give you the information desired," and she pointed to the Lord of the Castle.

Hall Caine's only reply was a curl of the lip and a smile of placid superiority.

"He doesn't look promising," said Mark Twain sadly. "I don't think he's likely to give up his secrets. I'm afraid, Herford, we shall have to plod on in the same old hopeless way without the aid of the critics. And for all the want of knowing whom to give five hundred pounds to! However, to continue. Miss Corelli, to judge by your writings, you must be extremely fond of foreign languages, are you not?"

"I am, sir, indeed. To me foreign languages never cease to be a mystery and a delight."

"I can readily believe it, madam, very readily. Moreover, your use of expressions from other languages is marked by so great taste and accuracy that I feel doubly justified in thus publicly calling the attention of the world to the matter—if all writers used foreign phrases in the same manner, what a delectable state our literature would be in! Why, not only do you make use of French and Latin and Italian, in the manner of the Duchess and Miss Braeme, but you enrich

those languages in a way never dreamt of by the natives themselves; not content with merely inventing new words, you also invent new rules of grammar. It is truly remarkable! Thus in your masterpiece, 'Ziska,' we find not *diablerie,* but the much more beautiful and unusual word *diablerresse.* For this addition to their vocabulary you have laid the French under an immeasurable debt of gratitude. The only trouble is that the nation is so darned thankless in such matters. But not so Latin scholars, they are quick to recognize a pioneer in their special field. Who but a second Bentley would have had the brilliant audacity thus to force a Latin verb to so novel a use, as in the noble lofty sentence from your pen which I shall now read! 'I do not address myself,' you say in righteous anger, 'to those who have made their cold adieux to God, to them I say pitifully, *Requiescat in pace!*' Miss Corelli, only those devoid of all sense of reverence will stop to ask, What is the *singular* subject of *requiescat?* To them I can only repeat your thrilling words: *requiescat in pace.*

"But enough of obituaries when other and more cheerful linguistic improvements await our notice. What a stroke of genius did you display in 'Barabbas' by the creation of Judith Iscariot, thus turning Iscariot into a family name centuries before any one else thought of this device for avoiding confusion; or when you endowed Pilate's wife with the abstract name of Justitia; or when you presented to Heliogabalus, or Heliobas, or whatever the gentleman's name was, chairs of Arabian workmanship, when even the Arabs themselves had never seen the necessity of sitting anywhere but on the ground; or when you rang the bells in Jerusalem at a time when, as you say yourself in another connection, the bells were *non est.* Words fail me properly to characterize these achievements. I don't wonder that Geoffrey Tempest took to consorting with 'blue-blooded blacklegs,' or that he and his wife and the devil had an '*al fresco* luncheon in the open air.' I should have had a dryadical fit among the trees. Whew!"

Mark Twain paused quite out of breath.

For once in her life Mavis Clare was almost speechless.

"*Tempi passati!*" she murmured weakly.

"Gentlemen," said the presiding judge, addressing Herford and myself, "I have finished with the prisoner. If you have anything to ask her, now is the accepted time."

"Miss Clare," I said, seizing the opportunity before Herford could speak, "just one moment! I shall only advert in passing to such minor matters as split infinitives, although, as you may know, they were recently one of the main causes of the downfall of our greatest matinée hero; nor shall I speak more at length of the works of Sar Peladan, despite the fatal parallelism of ideas which he seems to possess with you—I simply want to reassure myself on a question of American slang. If his honour will hand me 'The Sorrows of Satan' I will read the sentence in which the expression occurs. Thank you. Ah, here it is! on page 189: '"Why, what's the matter?" I exclaimed in a rallying tone, for I was on very friendly and familiar terms

with the little American. "You, of all people in the world having a private weep! Has our dear railway papa 'bust up'?"' Now, Miss Clare, have I your assurance that it should not be 'bust down'?"

"You may take my word for it," replied the authoress, "that it is correct the way I have written it. I am not like the author of certain Manx books who shall be nameless—I never make mistakes."

What would have been the result of this unfortunate remark it is difficult to say, had Mark Twain not quickly risen and declared the examination at an end, thus precluding any attempt on the part of the modern Balzac to resent the aspersion.

"Remove the prisoners," said the presiding judge in his sternest manner. "But inform the superintendent that I say they are to be confined in separate parts of the building, so that they cannot further disturb the other inmates. The sitting is at an end."

"Oh, that's too bad!" exclaimed Herford, as the two novelists disappeared from sight—"I forgot to ask Miss Corelli what

the *Quarterly Review* meant by calling her a 'mother in Israel.' However, I shall have a chance to do so at the trial."

But that chance was never to come. Hardly had the words left Herford's mouth before a faint, distant murmur reached our ears, like that of the Roman mob in the theater. Rapidly the sound increased in strength, until it seemed at the very door of the room. Then just as suddenly it died into silence, and we were left gazing at each other, wonderingly.

"Why, what's that?" murmured Mark Twain.

As though in answer to his question, at that moment the superintendent of the prison rushed in with his coat hanging in shreds, and threw himself at our feet in an agony of fear.

"Save me! Save me!" he cried. "A mob of salesladies and servant-girls has broken into the prison and rescued Hall Caine and Marie Corelli!"

"Are the other prisoners safe?" inquired Mark Twain, his voice quaking with anxiety.

"Yes, yes, they only took those two!"

"Ah!" sighed the presiding judge, in deep relief, "we still have our preacher-writers, then! Certainly we do not seem to have much luck with English authors. Indeed, I begin to doubt whether the servant-girls really wish to be saved from literary contamination."

VI. Three of a Kind

The People *vs.* Van Dyke *et al.*

For all three Defendants

Brander Matthews

Semblé, That criticism affords no criterion for the lay mind, and the Court is powerless when the Jury abets the crime. *No Verdict*

PERSONALLY I should have been willing to let the author of "The Blue Flower" off altogether, or with merely a nominal sentence, had he consented to turn state's evidence against the other two preaching authors—but this he stubbornly refused to do.

"I know they're *rotten*, as the French say," he admitted at the end of Mark Twain's persuasive harangue, "but consider my cloth! What would all the other old women in the country say? Besides, in their own way, Hillis and Brady also are engaged in the glorious work of effeminizing the nation, of bringing it back to a wholesome relish for pap——"

"I see," interposed Herford, "George Washington was the father of his country, and you're the pap-as. Sort of Trinidad arrangement—heigh?"

But there was no moving Van Dyke; so, more or less reluctantly, we were forced to place him on trial with the more flagrant offenders. For convenience, the three were arraigned under one indictment; and now, on the day following the preliminary ex-

amination, at which, of course, they had all entered the plea of "not guilty," their joint trial began before the Literary Emergency Court. To our amazement, Brander Matthews presented himself as their attorney. Since his unexpected acquittal under a like charge the Professor had remained discreetly quiet, but we now saw that his silence had been specious. Unfortunately, alas! we were debarred from placing him twice in jeopardy of his life for the same offence. In his youth, it seems, he had studied law, and he embraced eagerly this opportunity to display the remnants of his legal knowledge. During the preliminaries, before the commencement of the trial proper, Herford dashed off something on a slip of paper and handed it to me. This was the polyglot verse which met my eye:

"There once was a scribbling professor,
Who swore to reform and do besser —
Aber nix kommeraus,
Quand il était zu Haus' —
Quick, send for the father confessor!"

By virtue of the constitutional disability of women to serve as jurors, we experienced little difficulty in securing twelve reputable citizens to pass upon the guilt of the accused. But few challenges were made—on our side only one, that, namely, of a legless man who declared that Hillis had shown him the path in which to walk.

"That's in keeping, at all events," said Herford gravely—"a footless writer and a legless reader."

"And now, if it please the court," said Loomis, the prosecuting attorney, rising, when the jury-box was at length full, "we will proceed with the trial of the accused. I shall make no opening speech, further than to call attention to the delicacy of the present case. I take the liberty of reminding the court of the consideration due to the 'eternal feminine,' in whatever form it be found, whether in frock-coat and silk hat, like Dr. Mary Walker, or in frock-coat and silk hat and pastoral simplicity. Your honours, the accused have been or still are preachers, they are all writers. They

believe in 'the investment of influence'—it pays. We live in an age of great women, and not the least among them are many who ride in the smoking-car. Personally, like all good Americans, I am in favor of women; nevertheless, I should like to see my sex preserved, if only in literature, like the dodo. But, somehow, that seems the hardest place of all to preserve it. To-day shall decide whether it is impossible. And now, if the court please, we will hear the witnesses. It is my intention to call only one witness against Newell Dwight Hillis. She is a spiritualist——"

"I object!" cried the Professor, jumping up just like a real lawyer. "I object! Spirituality has nothing to do with the writings of this defendant."

"That's true," said Mark Twain. "Still, it might help to turn the tables on him. What do you think of permitting this spiritualist to testify, Herford?"

"I think a mani-a-curist would be more appropriate," was the reply.

"What is your spiritualist's name, Mr. Loomis?"

"Signora Cancani, from Dublin and Rome, your honor. She claims to be in direct communication with the classic authors whom Mr. Hillis has paraphrased with so liberal a hand in his 'works.' They're hot against him up there, it seems —especially Schopenhauer, Byron, Nietzche and Heine for saying that 'pessimism is intellectual mediocrity.' Nor is Goethe very fond of him, for telling the world that 'self-indulgence took off his chariot wheels.' He says Hillis shan't come to the side-door of his saloon of a Sunday when he gets through dealing in other people's thoughts down here——"

"Is Goethe in heaven?" cried Mark Twain in astonishment. "I'm glad to hear that. It takes a load from my heart—*es fällt mir Frau von Stein vom Herzen.* But see here, Mr. Loomis, we can't admit this Cancani testimony, it's not proper; although I haven't the slightest doubt that is the way the classics feel about the transcriber of 'Great Books as Life-Preachers.' Call your next witness."

"Well, if it please the court," said Loo-

mis, evidently sadly disappointed, "I will put the defendant on the stand himself—that is, of course, if he is willing to go."

"Certainly," said the preaching-writer, in the same confident manner which had characterized previous defendants when asked this question, "certainly I will take the stand."

"Now, Mr. Hillis," said Loomis, when the defendant had been duly sworn, "what is your calling?"

"I'm a minister by profession, a writer by trade, but a preacher all the time."

"A very true answer, Mr. Hillis. Now, how would you define genius?"

"I should define genius," was the reply, "as the infinite capacity for faking brains."

"Faking brains—why, what do you mean by that?"

"Faking other people's, of course."

"Oh, I see! Then you are a genius?"

"Have you read my 'Great Books as Wife-Teachers' or my 'Inquest on Happiness'?"

"Yes, and it's of the latter book that I wish to speak. Here it is on the table.

Now, in it you give expression to some interesting opinions on literature and art. Ah, yes, here we have it on page 7. 'Experience shows,' you say, 'that unhappiness invents no tool, doubt and fear win no battles, discontent and wretchedness write no song or poetry.' And a little further along: 'It is often said that one of the characteristics of great work is the ease with which that work is done—as when some author writes his chapter before breakfast.' Mr. Hillis, you must have written that chapter before breakfast; it sounds like work done on an empty stomach. Moreover, when you say that discontent and unhappiness invent no tool you forget such eminent inventors as Captain Cuttle. And speaking of great work, and the ease with which it is accomplished, did you ever happen to hear of Thomas Gray and the twenty years he spent on his 'Elegy,' or of your friend Goethe's life-task of writing 'Faust'? Yes, Mr. Hillis, there can be no doubt—great work is always thrown off, so to speak, before breakfast."

"Mr. Loomis," said the defendant at the

end of this speech, "what you say is doubtless true, but I never allow facts to interfere with theories. If I did, where should I be? Optimism is my trump card—it suits the old ladies of the country, and they are the ones who buy the books."

"But, Mr. Hillis, surely you don't approve of card-playing?"

"Oh, no, sir! I only used the expression figuratively."

"I see. And that's the reason you won't call a spade a spade?"

"Precisely, sir—the old ladies don't like it."

"Well, now, Mr. Hillis," continued the prosecuting attorney, "you have been so kind as to define genius for us, will you not add to the debt and give us your definition of literature as well?"

"Literature," was the slow reply, "is best defined, I think, as the substance of books compiled from, the evidence of tomes unseen."

"You put it excellently, Mr. Hillis; evidently you have been reading your own books. Moreover, on page 32 of 'The In-

quest on Happiness,' I find a beautiful symbolic statement of the manner in which a truly great writer, like yourself, reads the works of his pedecessors. Thus you say, anent the instinct to appropriate all to one's own *tale:* 'Passing a pasture in the autumn, one may see the horse with mane and tail that has become one solid mass of cockleburrs, collected in passing through the meadows.' Of course that is symbolic of your own literary browsings?"

"Of course."

"I noticed also, Mr. Hillis," persisted Loomis, "that you are a philospher of the dynamic school. It is clear you are no believer in the stationary, save for purposes of compilation. How admirably you express the great truths of evolution on page 20 of your masterpiece, 'Great Books as Life-Bleachers,' although, I must confess, it gives one an uncomfortable realization of the instability of all things terrestrial to read the following: 'Slowly man's hut journeyed toward the house, his forked stick toward the steam plow—the smoking altars toward the glorious temple, the reign

of force toward the reign of right.' *Tempus fugit,* as Miss Corelli would say. However, who would quibble at a mere confusion of time and space, or of 'was' and 'were,' as on page 33 of 'The Inquest on Happiness,' or at split infinitives a few pages further on—even to mention these flaws in a style otherwise so chaste and sweetly domestic seems to smack of impertinence, and I hasten on. Mr. Hillis, Robert Louis Stevenson confesses to having written and rewritten extracts innumerable from his predecessors until he felt that he had appropriated the very best they had to give. You belong to the Stevenson school of literature, do you not?"

"I do, sir. Never have I allowed an opportunity to escape me to put Captain Cuttle's maxim into practice—'when found, make a note of.' How else is one to write a book?"

"How else, indeed?" echoed Loomis sympathetically. "You are a stanch believer, I see, in Solomon's saying that there is nothing new under the sun. It is the secret of your profession."

"My profession?"

"Your trade, I mean."

"Ah, that's a different matter."

"And now, Mr. Hillis, I have almost finished my examination of you. One moment and I shall excuse you. 'What a piece of work is man!' exclaims Hamlet—'how noble in reason! how infinite in faculties! in form and moving how express and admirable! in action how like an angel! in apprehension how like a god!' I see, Mr. Hillis, you have read this passage, and in your own graceful way you have adapted it to the commonplace mind. 'Imagine a machine,' you say in 'Man's Value of Satiety,' 'that at one and the same moment can feel the gratefulness of the blazing fire, taste the sweetness of an orange, experience the æsthetic delights of a picture, recall the events in the career of the men the artist has delineated, recognize the entrance of a group of friends, out of the confusion of tongues lead forth a voice not heard for years, thrill with elation at the unexpected meeting!' May your honours please, I should like to see the defendant give a prac-

tical illustration of this complicated performance."

"So should I, Mr. Loomis, very much," said Mark Twain, "but I'm afraid our arrangements for gymnastics are somewhat inadequate. We shall have to take the defendant's assurance that he is capable of this manifold feat. It's all right, is it, Mr. Hillis—you can suck an orange and do all the rest of it at one and the same moment, can you, not to speak of pulling the wool over the public's eyes?"

"With perfect ease, sir, besides arranging mentally a paraphrase of Hamlet's soliloquy so well disguised that no one will suspect its source."

"Speaking of Hamlet's soliloquy," said Loomis, "that reminds me of your own remarks on suicide. So soon as I have read what you have to say on this important subject I shall have finished with you. On page 22 of the book to which we have so often referred, 'The Inquest on Happiness,' you use these memorable words: 'In a world where an average of 10,000 choose to stay in the realm of life to every one

who chooses to go out through the door of suicide, how superficial must be the mind that can afford to give more than one minute, or at most two, to the question, Is life worth living?' Mr. Hillis, how many minutes did it take you to write that sentence?"

"Well, I suppose about three."

"More than two, then? How superficial! If it please the court, I have finished with the defendant."

"Just one question, Mr. Hillis," said Mark Twain, as the great compiler started to leave the stand, "we should be glad to learn the title of your next book, if your publishers don't object."

"Certainly, your honour, I'm happy to tell you—there couldn't be a better advertisement. It is to be called 'Platitudes and their Practical Uses.'"

"You may resume your seat," said the presiding judge—"that is, unless your own counsel wishes to examine you."

"With the court's permission," said the Professor, rising, "I shall not question the defendant at the present moment; nor, indeed, shall I call any witnesses until the

close of the trial, except, perhaps, in the case of Mr. Brady. My witnesses will serve for the other two defendants together."

"Very well," said Mark Twain, "just as you wish. Proceed with the next defendant, Mr. Loomis."

"May it please the court," said the prosecuting attorney, "the examination of the previous defendant has taken up so much more time than expected that I have decided to call no witnesses against Mr. Brady, unless by his refusal to take the stand himself he compels me to do so. Will you go on the stand, Mr. Brady?"

"What is that? Did you speak to me?" asked the author of 'Colonial Wares and Warehouses,' looking up absent-mindedly from the pad on which he was writing. "I was just completing my new novel, 'The Grippe upon Her.' What did you say? Will I take the stand? Why, certainly, if you don't mind my going on with my writing."

Considerable argument was needed to convince the automatic author of the impropriety of continuing his work on the

witness-stand. Finally, however, he consented, reluctantly, to surrender his writing-pad and fountain pen and to concentrate his attention on the questions of the prosecuting attorney.

"Now, Mr. Brady," said Loomis, addressing the accused, "what is your full name?"

"Cyrus Townsend Brady."

"And your profession?"

"Present or cumulative?"

"Cumulative, please."

"Midshipman - preacher - missionary - historian-novelist. That's up to date."

"Why did you resign from the navy, Mr. Brady?"

"Because sailors swear so."

"Yes, but in your works I find cuss-words of the most pronounced order," cried Loomis, "such as 'cracky-day,' 'jimminy-crimminy,' and others equally strong."

"It was for the purpose of being able to use those extreme expletives," explained the defendant, "that I gave up my ministerial charge."

"'A foolish consistency is the hobgoblin of little minds,'" quoted Loomis. "Emer-

son would never have written that had he known you."

Evidently the accused was in doubt as to the implication of this ambiguous remark, so wisely he remained silent.

"Now, Mr. Brady," continued Loomis, unfolding a long sheet of paper, "I hold here a list of your writings from your first book in 1898 to your latest in 1903. I shall not read it, as we cannot afford another day for this trial; but for the guidance of the jury, to prove to them the time and care you devote to your work, I shall merely mention that it contains nineteen titles. Nineteen books in four years—you must spend a great deal of time in correction and revision?"

"Mr. Loomis," replied the defendant, gravely, "I have never in my life read over a second time a sentence after I had written it."

"And nobody else, either," murmured Mark Twain.

"I believe you, Mr. Brady," said Loomis; "certain statements need no oath to carry conviction. However, to continue. You

have heard the brilliant definition of literature given by your co-defendant—Will you not also favor us with your definition? It cannot fail to be interesting."

For a moment the automatic author considered.

"Well," he said at last, "I think I should define literature as the highest form of manufacture, the most perfect development of the commercial sense."

"That's the best definition we have heard yet!" cried Herford enthusiastically. "How would you define genius?"

"Genius," was the instantaneous reply, "is the infinite capacity for working the typewriter."

It was plain that these striking answers had made a deep impression on the jury, especially on that member thereof who had given his calling as an oyster-shucker. Already I saw the impossibility of securing a conviction of the author of 'The Quiberon Smutch.' But Loomis continued to blunder on, in blissful ignorance of the fact that his case was already lost.

"Mr. Brady," he said, "I have read sev-

eral of your books with much interest, notably 'The Quiberon Clutch,' which I was instructed to read by the court in preparation for this trial. In fact, at one time I was very much afraid it was going to turn out a good, self-respecting story. But fears on this score were finally and completely dispelled when I came upon the glowing description of the heroine on page 162, which I will read aloud with the court's permission. 'Anne de Rohan,' you say, 'was now eighteen years of age, and in the first blush of beautiful womanhood. Of medium height, with a figure which combined the lovely proportions of her American ancestry with the daintiness and delicacy of the women of France; with a clear, cool, pale yet not pallid face, exquisite features, scarlet lips, proudly, ay, even disdainfully elegant in their graceful curves; deep blue eyes, so deep that they were almost violet when filled with feeling, or glowing with passion, and the whole framed in her midnight hair; she was indeed a rarely beautiful woman.'

"Mr. Brady, since reading this exquisite

description I have been haunted, as it were, by the melody of 'far-off, half-forgotten things' read in years gone by in some masterpiece by the Duchess, or Miss Braeme, or Miss Corelli. It might have come from their pen, or from any one of a dozen others."

During the reading of this extract I had not been able to take my eyes off the oyster-shucker: he was fascinated by the beauty of the language, which evidently exactly suited his taste. Poor Loomis was floundering in deeper and deeper.

"Mr. Loomis," said Brady, slowly, impressively, "you have heard, doubtless, of Alexander Dumas and his faithful hack, Maquet. Did it ever strike you that the days of farming out work may not have passed?"

"What!" gasped the prosecuting attorney weakly, "you don't mean to say——?"

"I don't mean to say anything," was the significant reply, "except that I might, possibly, find a place for a good, honest struggling humorist this spring to keep him from starving. I am rather busy this year, as I

have some thirty-three books on the ways. You have my address, I believe?"

"I wonder how much he'd pay," murmured Herford under his breath. "If I thought——"

By this time Loomis had recovered himself. He cast a jealous look at Herford—it was unlikely there would be room for more than one Maquet on the staff of this modern Dumas.

"'Just for a handful of silver he left us,'" I quoted to Mark Twain. But the presiding judge was in no humour for joking; he was furious, it was plain to be seen—but what could he do under the circumstances? He could not proclaim on the housetops the defection of our own attorney.

"Do you wish to question the accused?" he asked sharply of the defendant's lawyer.

The Professor, however, was too keenly aware of the favorable impression already produced by Brady on the oyster-shucker to risk counteractng it, and he shook his head.

"Oh, just one moment, Mr. Brady!" cried

Mark Twain, as the great typewriter prepared to leave the stand. "There's a question I'd like to ask you in regard to your story 'Hohenzollern.' I have the book here. On page 68 I find the following paragraph in regard to chess: 'He (the knight) spoke gloomily, and as his eyes fell upon the set of chessmen upon a table, he added, with an assumption of his former lightness: "The emperor hath beaten me. 'Tis a new chess. The king hath checked the knight."' That's a neat play on words, Mr. Brady, but unfortunately Germans do not know the word knight in chess: they call the piece a 'jumper.' So, you see, your Hohenzollern friend could never have made that pun."

"Your honour," replied the accused author, "if you will turn to the preface of the book, you will find that I used these words: 'Then, as I thought it over, I concluded to put the book back in the days of Barbarossa. For one thing, nobody knows much about the days of Barbarossa, therefore liberties can be taken with impunity.' You don't know, your honour, what a comfort it

is not to be troubled with a historical conscience!"

"I can imagine," was Mark Twain's dry reply. "I have read your books. You may resume your seat. Mr. Loomis, proceed with the next defendant."

"Henry Van Dyke!"

What was Loomis going to do to make a case out against him? At the request of Mark Twain, who declared that "The Rule of Passion" was too warm for him, I had read several of the defendant's stories, and to my surprise I had found them, in the main, pleasant, innocuous little tales adapted to the comprehension of my youngest child (who is just learning words of two syllables), and in consequence admirably suited, of course, to the columns of our popular magazines. To be sure, during my reading I had come across several unfortunate references to "naughty" words and the "inadequacy of the French language in moments of great provocation"—but, then, one must not be too severe on writers for children: even the most careful among us may make an occasional slip. Besides, the little dar-

lings, I told myself, would perhaps fail to grasp the hidden, insidious meaning of their favorite author. But I was destined to learn that there was much more of bald, undisguised evil in this writer for young people than I had realized. Loomis had a surprise in store for us.

"May it please the court," he said, "I am happy to announce that one of the accused has signified his willingness to turn state's evidence and to testify against his colleague. Mr. Hillis, will you take the stand?"

This sudden treachery on the part of the manager of the Plymouth hennery caused a sensation in the court-room. Van Dyke, I could see, was frightened. What secrets of the inner circle was Hillis about to reveal? But what was there to reveal? Were not all the old women of the country with the author of "The Rule of Passion"?

"Now, Mr. Hillis," said Loomis, when Henry Ward Beecher's successor was again in the witness-chair, "you are willing to give your testimony against your accomplice in crime?"

"I am, sir."

"Is there any reason why you do this, other than that his books sell better than yours?"

"Yes—I do not consider his writings morally fit for children, editors and old women."

Every one in the room gave evidence of the most intense interest, save one extremely old lady, who sat on the bench reserved for witnesses, and who, plainly, could not hear a word of what was going on. I wondered idly who she might be.

"You say the writings of the accused are immoral," continued Loomis; "are you able to point out, off-hand, specific passages to sustain this charge?"

"I think I can," was the reply—"hand me 'Fisherman's Luck,' please. On page 6 I find this astounding admission: 'I know a man who believes that the fish always rise better on Sunday than on any other day in the week. He confesses that he has sometimes thought seriously of joining the Seventh-Day Baptists.' Think of a preacher who can pen such words as those! But

there is worse to come. On page 15 of the same book he openly and shamelessly advocates the playing of cards, while in the chapter entitled 'Lovers and Pancakes' he does not shrink from propagating this impure European sentiment: 'Sir, that picture is equally unsatisfactory to the artist, to the moralist, and to the voluptuary.' And yet you ask me whether the writings of this man are fit for the eyes of our metropolitan editors!"

"Is there anything more?" asked Loomis.

"More—is any more necessary? Yes, there is more, but I cannot bring myself publicly to read matter of this sort—I always save it for my closet. This author even goes so far as to admit that his tale 'The Reward of Virtue' is not a Sunday-school story, and that his hero is not a saint; and in 'Spy Rock' he states the untruth that 'preachers must be always trying to persuade men' instead of women. But worse than all is his attempt to curry favor with the politicians in 'Fisherman's Luck.' Hand me the book. I know where the passage is—page 102. Just listen to

this: 'Do you believe,' he says, 'that in all the world there is only one woman especially created for each man, and that the order of the universe will be hopelessly askew unless these two needles find each other in the haystack? You believe it for yourself, perhaps; but do you believe it for Tom Johnson?' Could there be a bolder attempt to ingratiate himself with the single-tax mayor of Cleveland? Yet you ask me whether this man deserves to hold his place as a writer for young people!"

The witness paused, out of breath. His testimony, I could see, had made a deep impression on every one present except the deaf lady on the witness-bench. Loomis realized, evidently, the unwisdom of allowing his star witness to take the edge off his testimony by citing weaker points against the accused, and he abruptly announced that he had finished with him. The Professor declared that he did not care to cross-examine him, and the still excited *censor morum* returned to his place beside his counsel and sank exhausted into his chair. Clearly the Professor had been

carried out of his legal depth by this sudden defection in one of his clients.

"If it please the court," he said, rising, "I find my plans somewhat upset by this unlooked-for development of affairs, and I have therefore decided to dispense with the testimony of all but one of the witnesses for the defense. I should like to have Abigail Hornbostle take the stand."

No response.

"Abigail Hornbostle!" repeated the clerk in a loud voice.

Finally, after numerous attempts, the officer succeeded in making the old lady on the witness-bench understand that she was to take the stand.

"Yes, my dear, yes, my dear," she mumbled through toothless gums, as she slowly rose and hobbled to the chair.

After much shouting and sign-making, in which the French language proved sadly inadequate, she was finally sworn, and her examination began. This was painful in the extreme, in view of her deafness, but the Professor succeeded in eliciting the information that she had been delegated to

appear as a witness for Van Dyke and Hillis as President of the Old Woman's Anti-Polygamy and Polyandry League.

"Does that 'anti' belong also to polyandry?" asked Herford, but Mark Twain ordered the question stricken out.

"If it please the court," said the Professor, mopping his brow at the end of the first five minutes, "this good old lady has come down all the way from Boston to testify that the association of which she is the head and whose headquarters are in the city on the Charles, has carefully examined the writings of the accused, and its officers find them unreservedly adapted to the requirements of aged women——"

"But this is expert testimony," interrupted Mark Twain. "Besides, she is only telling us what we already know. What's the use of proving a thing twice? You must withdraw your witness, sir."

The Professor protested, but to no purpose; and Mark Twain thereupon ordered the two attorneys to sum up.

"The shorter your speeches are, the better the court will be pleased," he said; "we

have already wasted too much time in ministering to such kinds as these. Get thee to a hennery! The prosecution has the closing argument."

Thereupon the Professor arose and began the plea for his clients. In view of Hillis's action his task was most difficult; and I must admit that he made an able argument. Indeed, it was stronger than that of Loomis, who was palpably trying to save his prospective employer from the punishment which he so richly deserved. The arguments were short, and at their close Mark Twain charged the jury, which then retired to decide upon the defendants' guilt or innocence. Before they had been out fifteen minutes they sent for 'The Inquest on Happiness,' and a short while later for 'The Blue Flower.' Again came requests for other volumes of the two authors, until their complete works had disappeared into the jury-room.

"You don't think they can really be reading that stuff, do you?" cried Mark Twain, incredulously.

As though in reply to his question, a

court-attendant rushed into the little retiring-room in which we were awaiting the verdict, and stood with eyes popping from his head, vainly striving to speak.

"What ails the man?" cried Herford. "Has he found the blue flower?"

"The—the—jurymen h-have been r-reading the books of the a-accused," stammered the man, "till they have all turned into old women!"

Herford was the only one who did not seem surprised.

"Well, what else could you expect?" he said, laconically.

"What are we to do now?" exclaimed Mark Twain; "the same thing would happen to any other jury we might get to examine their writings, and we can't accept a conviction by old women, even if we could secure it. What do you advise?"

"Discharge the prisoners," I said. "It'll save time. You'll never convict a preacher in this country; there are too many disguised old women for that."

There was no escape from my logic, and the prisoners were accordingly discharged.

"Well, the poets shan't escape us thus easily, anyhow," said Mark Twain, ominously; "we'll have their blood, or Carmancita's scalp shall pay the penalty."

VII. The Apollo-naris Poets

Upon trial of Alfred Austin, *alias* "The Laureate"; Ella Wheeler Wilcox, *alias* "The Journalese Poetess," *et al.*, for a di-vers-ity of minor offences,

Ella Wheeler Wilcox having been *discharged by the Court*

Held, As to the rest, that the prisoners might be left each to the judgment of the others with a certainty that all would receive their deserts, for

Semblé, That Poets cannot conspire, and it was *Ordered accordingly*

Verdict: Guilty

"GENTLEMEN and—poets," said Mark Twain, addressing the melodious Nine whom we had selected from the great crowd of poetical applicants for prosecution, "after much consideration, in view of the heavy expense to the state, my colleagues and myself have decided to dispense in your case with the ceremony of a formal trial, or trials. We have, therefore, had you brought up from your cells this afternoon to see if we cannot, so to speak, pool the charges against you, and thus get this ode-ous matter closed up without further delay. To this end we have hit upon a novel plan and one, I am certain, which will meet with your approval—we are going to let you try yourselves, or, rather, each other. I am sure that is generous enough. Therefore, I invite any of you who may have charges to bring against one of your co-defendants to rise now and state them, in order that——"

This was as far as Mark Twain got in his speech—it was evident that he did not know the poetic nature.

"I accuse——"

"I accuse——"

Every one of the Nine was on his feet, striving to gain a hearing for testimony against his rivals It was as bad as Zola's famous "j'accuse" letter.

"Silence!" roared the officers in attendance, and at last quiet was restored.

"Whew! They're without reason, if not without rhyme!" sighed Mark Twain. "Look here, Herford, this will never do. If we let these poets loose against each other, we'll have a free fight, first thing we know. Did you ever see such jealousy? What do you advise?"

"Try the other plan," said Herford.

"Poets and—gentlemen," said the presiding judge, turning toward the accused, "I had no idea it was as bad as this. The Nine doesn't seem to be very strong on team work this afternoon. I am afraid we shall have to change our tactics. Instead, therefore, of having you testify against each other, I shall give out a theme for you to exercise your poetic genius upon, and we shall then leave it to you to judge each

other on the strength of your productions. Have you all pencils and paper?"

"May it please the court," said Stedman, rising, "as dean of American poetry and author of 'A Pathology of Poets whom I Know,' I must protest against this undignified proceeding. It is not in keeping with our position as seers and *vates*. As Overseer, I speak for the great body of more modest followers of Apollo——"

"Self-knowledge is the beginning of all wisdom," murmured Herford.

"These proceedings tend to make us ridiculous in the public eye. They are the outcome, moreover, of the jealousy of a single member of this court, whose mediocre verse I omitted from my Mythology. Otherwise——"

As the Overseer, who was evidently laboring under great excitement, looked directly at me while delivering this denunciation, there could be no doubt who was the "single" member alluded to.

"Mr. Stedman," I said, interrupting, "I am not in your Zoology, it is true; although I should be there, if only under the

head of Gnu. You smile, but allow me to inform you that I have just discovered a distant relationship between our families. My great-great-great-great grandfather was engaged for a short while to one of your ancestors. What have you to say now?"

"Oh, that puts an entirely different face on the matter, doesn't it?" cried the Verse-Broker. "You may rest assured that you will be liberally represented in the next edition of my 'Pathology.' Permit me to retract all that I said before I learned of this important fact."

Therewith he sat down, and began to sharpen his pencil.

"And now," said Mark Twain, gazing around the circle, "a compromise having been effected between the Gnu and the Obsolete, we will proceed with the test. If you are all ready, I will give out the theme on which you are to write your poems."

"One moment," cried Mrs. Ella Wheeler Wilcox. "I'd like to sit next to somebody beside Mr. Markham. He's been

copying my style too closely of late, as it is."

"Very well, Mrs. Wilcox," said Mark Twain indulgently, "I have no doubt you can find a place between Father Tabb and Sir Alfred Austin."

"Excuse me!" cried Father Tabb, rising, "did not this lady write 'Poems of Passion'?"

"Well, what of that?" said the Poetess, bridling.

"If your honours please," said the Tonsured Lyrist, addressing the court, "those poems, it is true, were written long ago, but there are some things, like the sun, which take centuries to cool off. I must, therefore, beg our sister Erato to find some other place."

"Very well," said the great Journalist, with cutting dignity, "Erato and Terpsichore never did get on well together."

So saying, the single female representative of the muses present swept to a chair between Bliss Carman and Clinton Scollard and sank majestically into it.

"Sir Alfred," said the Father of quat-

rains and sextets, drawing out a small red book and extending it toward Tennyson's successor, as though it had been a snuff-box, "will you try a Tabblet?"

"What are they good for?"

"Sir!" cried the instructor in English grammar, evidently misunderstanding the question.

"Oh, I don't mean how bad are they! I mean, what complaint are they good for?"

"Ah, that's different!" said the mollified Grammarian. "I can assure you they are excellent for insomnia."

"Give me one!" eagerly cried the Laureate, seizing the book. "I lie awake nights thinking up rhymes for such words as 'window' and 'astringent.' It is terrible."

"Sh!" cried Madison Cawein impatiently, "you disturb my mood. Of course I cannot expect minor poets to understand the necessity for mood, but you might respect my feelings, even if you cannot comprehend them. Sirrah!"

At this point the irrepressible Herford propounded one of his perennial riddles.

"What is the difference," he asked,

leaning across in front of Mark Twain, "between Elisha and Sir Alfred Austin?"

"That's beyond me," I said.

"Well," was the reply, "Elisha could do nothing without the mantle of his predecessor, whereas Austin can do nothing with the mantle of his."

"Herford," I said, "I'll give you a better riddle than that. What is the difference between Alfred Tennyson and Austin?"

"I haven't time to tell you," said Herford.

"Well, I'll tell you. Tennyson gained fame by 'Morte d'Arthur,' and Austin by 'Morte d'Alfred.'"

"Look here," said Mark Twain with a half smile, "you two think you're very witty, don't you? Now, I'll give you a riddle myself. How do we know that Delilah was a warmer proposition than Sappho? Give it up? Well, by Sapphic remains Bliss Carman was fired to produce graphic refrains, but with 'Delilah' Mrs. Wilcox rendered registers superfluous."

"With all due respect to the court," said the author of "Poems of Fashion," rising,

and speaking with hardly controlled emotion, "I must protest against this constant reference to my early, immature verse. Am I to be judged by it alone, to the exclusion of my later and riper work for the *Journal?* Why does no one refer to that?"

"From a feeling of mistaken consideration, madam," said Mark Twain. "However, have patience—all things come to a waitress.

"And now, gentlemen and lady, we have lost entirely too much time over preliminaries. Are you ready to begin your poems? Very well, I will tell you what to write on—A Blank Sheet of Paper. You may have half an hour for your work. No, Mr. Sherman, I can answer no questions. You must follow your own judgment in the matter."

So saying, Mark Twain drew out his watch and laid it on the table before him, so as to control the time. Then he picked up a collection of the Overseer's Poems and began idly turning the leaves, with an amused, indulgent expression. But suddenly this gave place to a puzzled, won-

dering look, and the author of "Tom Sawyer" began anxiously to count on his fingers while his lips murmured the printed words.

"Say, look here, there's something the matter with this second verse—it won't scan, that *et cetera* seems out of place. The first verse is all right, but see what you can make out of the second."

"It's too much for me," I said, after having tried my ingenuity on "Wild Winds Whistle." "But wait a moment, doubtless the Overseer will help us. I see he's writing his poem with a metronome."

It was true—the great Verse-Broker had set up before him an instrument such as students of music use, and he was now evidently testing the verse he had just written, to see if the metre was correct. Without doubt he would be able to explain away the seeming difficulty of the "*et cetera.*" Indeed, with the aid of his instrument, he might even show us how to read in some sort of metrical fashion "The Old Love and the New." Still, there are limitations even to the virtues of a metronome.

"Yes, Father Tabb," said Mark Twain, at the moment when an exclamation of delight announced that the Laureate had discovered the long-sought-for rhyme for "astringent," "time is nearly up; only half a minute more and you may read your quatrain. Time! No no, Mr. Cawein, you must stop writing, time's up!"

"Yes, but I didn't get started until the last five minutes—these minor poets disturbed my mood."

In a truly Christian spirit that refuses to resent unkind remarks, the priest of Apollo leaned over and held out his little red book to the indignant author of "Blooms on the Berry."

"Try a Tabblet," he said, "they're good for moodiness."

Without deigning to reply, the Blue Grass Poet turned his chair so as to be forced no longer to have his mood disturbed even by the sight of a minor poet.

"And now, Father Tabb," said Mark Twain, "suppose you begin. There's no use putting off a necessary visit to the

dentist's. No, you needn't rise; we'll leave that to your poem."

"Ahem!" began the Miniature Lyrist. "In the short space of half an hour I have produced two lovely quatrains. I have been especially happy to-day——"

"Speak for yourself, John," said Herford, half-audibly.

"Shall I read them aloud, your honour?"

"Well, one at a time," said Mark Twain. "I'm a homœopathist myself, and believe in small doses. I think, though, we are all in good health and able to meet the shock, so go ahead."

"My first quatrain," said the author of the little-read book, "I entitle

"The Sea to the Moon.

"I take thy kiss, but cannot come
To claim thee for my bride;
My love see in the deaf and dumb,
Blind swelling of my tide.

Isn't that a gem?"

"Well," said Mark Twain, "it seems more like a case of prenatal ophthalmia.

However, let's have the other verse and get it over as quick as possible."

"The second quatrain is a companion piece to the first," explained the Poet, and hence bears the appropriate title,

"The Moon to the Sea.

"Thou'rt sore-afflicted, I allow,
And moon-struck on my face;
Yet I will be thy bride, for thou
Wilt keep thy proper place.

There, how is that for a beautiful homily on marriage?"

"It's written rather from the woman's standpoint, isn't it?" said Herford—"'for thou wilt keep thy proper place.'"

"Why, is there any other standpoint in American poetry?" asked the Grammarian in astonishment. "That is, if you want to gain admittance into the best magazines?"

"I see you know your trade," said Mark Twain. "However, we haven't time for further discussion of this interesting and remunerative question. Hand up your quatrains, please. That's it! I'll mark them Exhibits A and B, respectively.

Stamps for return are unnecessary. And now, Sir Alfred, we will take up your case. Have you written a poem?"

"Of course I have," said the English Bard, with a superior smile. "It's my business to write poems on all occasions, appropriate and inappropriate."

"Well, let's hear it," said Mark Twain. "As you didn't have time to polish it, it may not be so bad, after all."

Immediately the Laureate assumed the attitude of Walter von der Vogelweide in the battle of the singers at the Wartburg.

"One moment!" cried Herford nervously. "This has nothing to do with Dr. Jameson's raid, has it? I don't think I could stand another raid so soon after the Boer War."

"Sir!" said the Dioscuros with great dignity, "I hear you are an Englishman by birth yourself. Surely, then, you do not presume to question the propriety of anything which England may do, no matter what it may be? Thank Heaven, my position does not permit me to!"

"Well," said Herford, "there's one piece of English injustice I never can get over —they don't buy my books over there as well as the Americans do. How is it with yours?"

"Your honour," stiffly replied the Official Lyrist, "there are some things I prefer not to discuss, among others, critics and sales. With the court's permission, however, I will read my poem on

"A Blank Piece of Paper.

"I often sit before a vacant page,
With vacant mind,
And wonder for a very age
What I shall find;
But every time at last I write the self-same thing —
A sonnet to the King.

"Oft in the past before the King was crowned,
I'd try to write,
And likewise then upon the page I found,
When came the night,
That, willy-nilly, I had writ what all have seen —
A sonnet to the Queen.

"O, ye who are not Lau-re-ates, think not
My place a snap,
For I must write a verse upon the spot,
Whatever hap;
Indeed, as Poet Laureate where had I 'bean'—
Without the King and Queen!"

"That's good, Sir Alfred," said Mark Twain, when the great representative bard of the Anglo-Saxon race had finished—"especially the closing lines:

"'Indeed, as Poet Laureate, where had I
"bean"—
Without the King and Queen!'"

There's deep, double truth in what you say."

"Thank you," said Tennyson's successor, evidently flattered.

"And now, Sir Alfred," said Mark Twain, taking the poem just read and marking it: "Rejected; not returned for lack of postage"—"there is one question I should like to ask you: why do you treat Kipling so badly?"

"Why, what do you mean, your honour?" cried the Laureate in surprise. "I have

always tried to treat Mr. Kipling most graciously."

"Ah, Sir Alfred, it is not always the willful stabs which hurt the most! In the case of the great poet who came so near being from India-na, you have shown a painful lack of consideration towards a brother writer, by publishing on numerous occasions a poem following one by him on the same subject and which showed him up in such pitiful light by contrast. It was not kind of you, Sir Alfred."

"Your honour," said the greatest of the laureates since Tennyson, "you hold me responsible for something over which I have no control. Am I answerable for an unfair division of talents? Is it my fault if Kipling's 'Recessional' looks like mere dross beside my poem on the occasion of the Jubilee? Or if the 'Coronation Ode' of Mr. Carman yonder is put into the shade by the efforts of a more gifted mind? I am sorry for these gentlemen, and for others, as William Watson, but I could not teach them to write as I do,

even were I to try. I am glad, however, to have had a chance to answer thus publicly those who, from time to time, have brought charges against me of uncharitableness toward poets of a lesser rank. Have I replied to your satisfaction, sir?"

"Entirely, Sir Alfred," said Mark Twain. "Moreover, I must thank you for the happy expression 'poets of a lesser *rank.*' That one phrase sums up the whole question in a nutshell. You may sit down, Sir Alfred. *Place aux dames!* And now, Mrs. Wilcox, we should like to listen to your production."

Instantly the author of "Chlorine and Other Acids" was on her feet, with a great bundle of manuscript.

"One moment!" cried Mark Twain, in frightened tones, "how many poems have you there?"

"Seventeen, your honour. But I was only going to read sixteen of them."

"Good heavens! You don't mean to say you wrote all of those in half an hour?"

"Why, of course. I never take over five minutes for a poem, at the outside."

"I had been told that, Mrs. Wilcox," said Mark Twain, "but hitherto I refused to believe it. From the internal evidence of your verse I declared you must spend at least seven minutes on it. However, time presses: I am sorry, therefore, that I shall have to limit you to one poem."

"Has your honour any objection to my selling the other sixteen to the *Journal?*"

"Well, no, I guess not. That is, if Anthony Comstock agrees."

The Poetess made no reply, further than disdainfully to raise her eyebrows.

"Shall I read my selection?" she asked with dignity.

"If you please, madam."

"I call my poem

"Conversion.

"Were I borne from the realm of this worldly sphere,
To the gates of the city of gold,
Did the portals open as I drew near,
Like the leaves of a book unrolled;

Did the angels come in a welcoming crowd,
With praise for my work below —
I would pause to ask in a voice loud
Ere I passed through the gates aglow:
'Give heed to a word from a pilgrim's lip,
Who asks but the simple facts —
Has your city municipal ownership,
And the wonderful single tax?'

"Were the answer 'No!' I would beat retreat,
With a heart bowed down with care,
But I would not enter that city's street,
Though I knew Mr. Hearst was Mayor.

"Were I borne below on a scorching wind,
To the gates of the hinges hot,
To the terminus of the souls who've sinned,
To the fire that consumeth not;
Did the portals ope with a blast of fire,
And a shriek from the toasting-fork,
Did a voice announce that I might retire
To the town that is called New York —
I would not turn back with a blanching lip,
I'd call for the vital facts:
'Has your city municipal ownership,
And the wonderful single tax?'

"Were the answer 'Yes!' I would scorn retreat,
I would heed nor shrieks nor flare,
But I'd boldly enter that awful street,
Though I knew Mr. Low was Mayor."

There was silence in the room when the Poetess ceased. Everyone, despite the pangs of jealousy, realized that we had just listened to a masterpiece; silence was the tribute paid to genius.

"Look here," said Mark Twain in a professional whisper, "we can't condemn this woman to the Guillotine. You remember what a New York judge recently said in regard to the supreme difficulty of deciding when the dividing line has been passed. There's only one thing we can do—set her free."

"Ask Herford what he thinks," I suggested.

"Well," said the author of "The Bashful Earthquake," "personally I am in favor of the Belgian method of open-air treatment. We might try it, anyhow."

"Madam," said Mark Twain, addressing the great Journalese Poetess, "in view of the remarkable poem which you have just read, the court believes that the cause of humanity will be better advanced by granting you conditional freedom and the

opportunity to go about your customary occupations, than it would be by condemning you to the Guillotine. Therefore, you may withdraw and take your sixteen poems down to Newspaper Row. The court will be interested to learn what you receive for them per line.

"Mr. Carman, we will now take up your case, and see whether your prayer to Nature has been granted,

> "'Make me over in the morning
> From the rag-bag of the world.'

Will you kindly read your poem?"

"May it please the court," said Carman, brushing the hair from his eyes, "I wish it distinctly understood that I reserve the copyright in this poem. I shall later include it in 'The Pipes of Pan.'"

"Very well, sir," said Mark Twain, "that is a matter between yourself and your Maker. However, let's have the poem."

Gracefully crossing his legs, the Canadian Bard began in deep, resonant voice:

"Pan Americanus.

"'Who did this thing?' I cried,
Startled and horrified,
As on Great Pan one day,
Bedight in man's array,
I chanced within the wood,
And speechless then I stood:
His beard, alas! had gone,
Clean shaven from his chin,
The trousers he had on
Flapped loose around the shin,
From sight were hid his horns
By hat of silk, O Muse!
Doubtless for fear of thorns
His feet were cased in shoes;
While on his fingers deft,
Which once the pipe had played,
As though of sense bereft,
Here in this lonely glade,
A pair of gloves I saw,
'Gainst every sylvan law,
Which makes the kids his care,
But not as gloves to wear.
I gazed into his eye,
I heard his hopeless sigh,
And then I asked again:
'What vandal band of men
Maltreated thee, Great Pan?'
He sighed: ''Twas not a man,

It was the women who
Comprise the Christian U—
Nion, the Temp'rance crew;
They dressed me thus because
They said the Union's laws
Proclaimed the sacred cause
Of prim propriety,
And hence it might not be
That I, *sans* cloth or feather,
In just the altogether,
Should roam the woods at will.
Alas!'—his voice grew still—
'Alas!' he feebly said—
Great Pan was dead!"

Like the waves of sound from an organ, the tones of the great Panopticon Poet continued to echo through the hall after his voice had ceased. Could there be the shadow of a doubt that we had listened to the greatest effort of the gifted singer? It was evident that Mark Twain was deeply impressed.

"Mr. Carman," he said, without consulting Herford or myself, "were the court alone concerned in this question, I should offer unconditional freedom to the man capable of writing 'Pan Americanus.' But it is my duty to think also of your welfare.

You may go, sir, but remember one thing —the vengeance of the Woman's Christian Temperance Union. They killed Pan, you know, for a much less offence. What do you say?"

"With the court's permission," said the bard, visibly turning pale, "I prefer the guillotine. Earth holds no furies like the Temperance Union."

"I think you are wise, Mr. Carman," said Mark Twain. "We will now take up the case of one Frank Deemster Sherman. I never heard the name before, but it sounds as though Hall Caine had written it, all right."

Herford plucked the sleeve of the presiding judge and whispered something in his ear.

"What!" exclaimed Mark Twain, "is this Felix Carmen?"

"That is my *nom de guerre,* your honour," said the accused.

"Are you Carmen Sylva, too?"

"Why, no, your honour, Carmen Sylva is the queen of Roumania!"

"Well, I didn't know who else you might

be, since you have simply turned Bliss Carman's name into Latin. You write facetious verse a good deal, I am told?"

"I take it seriously, sir."

"Well, Mr. Happy Song," continued the presiding judge, "there is one truth you should bear in mind: in the phrase a 'poet who amuses' the *a* of *amuses* is an *alpha privative*—a 'poet without the muses.' I think the world will see the force of my contention when I read this little quatrain by Felix Carmen which recently appeared in one of New York's leading weeklies:

'Love's Gift.

'Daybreak and song and rose and star,—
All of these things to me you are.
You are a garden sweet conferred
By love upon a poet-bird.'

"And now, Mr. Poet-Bird, the court would like to see what you have hatched out in the last half-hour. Give us a sample of your fledgelings."

"With the court's permission," said Carmen Sylva's namesake, "I will read my little verse. I call it

"A Catch-as-Catch-Can.

"If any thought
You can divine
In line
Of mine,
Be sure 'tis naught
I ever sought
By word or sign
Thus to express —
I here confess
How came it there:
My *secrétaire*
Is *débonnaire*,
And careless, too,
And oftentimes
She writes my rhymes
Askew.
And thus you see
How it must be
That I
Have seemed to sing
A thoughtful thing —
Oh my!"

"Has anyone any remark to make upon the poem we have just been privileged to hear?" asked Mark Twain at the close of the wrestling bout.

Silence.

"Sit down, Mr. Sherman," said the presiding judge, sadly. "Even without the testimony of an alienist, I now understand your desire for an alias. Sit down, sir, and be thankful for the court's leniency. Why, at this rate, we will soon be taking official notice of such offenders as Miss Thomas and Mrs. Sangster and Miss Guiney. And now, Mr. Cawein, perhaps we shall have the pleasure of hearing from you. What have you garnered in the fields of song?"

"May it please the court," said the Blue Grass Warbler, rising, "I must beg the indulgence of the court. I sought to write something, but the presence of these minor poets so disturbed my mood that I was unable to produce anything worthy of my great reputation. Indeed, it is conceivable that Mr. Markham, or even Mr. Carman, in a happy moment might have equalled the inferior stuff which I herewith destroy."

So saying, the great Louisville Poet tore, down and across, the sheet of paper which he held in his hand. What had the world lost thereby?

An exclamation of horror came from the lips of every one present—but too late.

"Mr. Cawein," said Mark Twain, "I wonder whether you realize the crime you have committed against posterity? Had Rossetti not rescued his poems from the grave of his wife, the loss would have been trivial in comparison to ours. Indeed, sir, I feel as John Stuart Mill must have felt when he learned that his servant had destroyed the manuscript of Carlyle's 'The French Revolution.' Sit down, Mr. Cawein, and ponder the enormity of your act."

For a moment Mark Twain paused to recover control of his voice.

"And now, Mr. Scollard," he said, addressing the ex-Professor, "it is a relief to turn to a poet without mood. What have you produced by the aid of your dictionary of archaic words?"

"May it please the court," said the author of "Bills of Song," "I will read aloud my contribution. I call it

"A Ballade of Obsolete Words.

"Bourgeon's a word that few have seen,
Hence 'tis a word that I often use,
Look in the cal-e-pin what it may mean,
Delie and sweet is the lyric muse;
Hark to a simple and useful ruse,
Lyrists all of the flowers and birds:
Fear ye editors may refuse? —
Sprinkle your verse with obsolete words.

"Bards, they say, are but poets lean,
Hence to you it is doubtless news
That in the days of the Virgin Queen
'Bards' was made in the court and mews
Service to do for the reds and blues,
Trappings gay of equestrian herds —
Fear ye editors may refuse? —
Sprinkle your verse with obsolete words.

"Sing of your love as Anne or Jean,
Laura, Magda, as you may choose,
Call her Clara or Imogene,
Make her German or eke Toulouse;
Give her the measles or even blues,
Let her delight in whey and curds —
Fear ye editors may refuse? —
Sprinkle your verse with obsolete words.

L'Envoi.

"Hence, O Poets, ye cannot lose,
Sing ye of rational roots or surds —
Never an editor can refuse,
If sprinkled your verse with obsolete words.

"There, what do you think of that, sir?" asked the Poet proudly.

"Mr. Scollard," said Mark Twain, "that is a most valuable contribution to autobiographic literature; it is in line with the 'confessions' which are so much in fashion at the present moment—'sprinkle your verse with obsolete words.' It is quite superfluous to say, Physician, take thy own medicine.

"And now, Mr. Markham, we should like to see what you have dug up with your little hoe. I hope it is not a cereal."

"May it please the court," said the Lochinvar of poetry, rising, "it would be folly to expect me to produce a masterpiece in half an hour—I do not write for *The Journal*, I write for *Success*. However, even thus hurriedly, I have managed to mint a few golden lines, in the manner of Keats in the cottage of Burns. I entitle my fragment 'Prolegomena to Sisterhood.'"

"To Sisterhood, Mr. Markham?" cried Mark Twain. "Why, I thought Brotherhood was your long suit?"

"So it was, your honour, until lately. But

there wasn't enough money in Brotherhood, so I thought I'd try Sisterhood: it's the thing that pays in this country. Look at Van Dyke and Winston Churchill——"

"Mr. Markham!" cried Mark Twain sternly, "confine your remarks, please, to the subject in hand. Moreover, as to your poem on Sisterhood, we cannot possibly permit you to read it thus semi-publicly, and thereby hasten still further the effeminizing work in which are engaged the two gentlemen whom you just cited."

"Oh, just a line or two on women, your honour!" begged Markham. "I have some choice ones—

"Throughout all Heav'n to its last rung
There is no shape more beautiful than this —
More many-tongued and liberal of its speech —
More filled with horror at the face of Truth —
More fraught with menace to our literature —"

"Silence!" cried the presiding judge, sharply bringing down his gavel. "I am sorry, Mr. Markham, but despite the truth of your lines, I cannot allow you to read them. I have no doubt, however, that you can sell them to the *Ladies' Home Journal.*

I think, though, I'd enclose return postage, if I were you.

"Now, Mr. Stedman, last but not least, we will take up your case. As dean and Overseer of American poetry, of course you have produced something worthy of your reputation—that is not asking too much for half an hour's work, I am sure. May we have the pleasure of hearing your muse?"

"May it please the court," said the great Verse-Broker, rising and brushing his flowing beard to right and left over his shoulder, "I have here a sample of spring verse, selling at 16 1-2, sealed and delivered to buyer. What am I bid for it? There has been nothing like it in the market since I published my early poems in 1860. Any freshman in the country can duplicate it without notice. Going, going——"

"Come, Mr. Stedman," said Mark Twain, "we can't buy a pig in a poke. Let's have a sample of your wares. The court will protect you during the reading."

"Very well, sir," said the Overseer, "I

will risk it under the court's protection. My poem is called

"Nora, Me Honey.

"Nora, me honey, the baby's awake,
I beg you, me darlin', get up for my sake;
The moth in his silent, soft circle of flight
Has managed to get himself into the light,
And now he has fluttered to Johnny's white bed
And settled himself on our darlin's bald head;
The voice of the child is the voice of the *mére*—
O Nora, me honey, you're losin' your hair!

"Nora, me honey, the rolls that ye made
They rise with the dawn, like the birds in the glade;
And so when I ate them I'm up sure as fate,
For, darlin', they don' rise till after they're ate.

Say, that doesn't sound right, does it? There was something the matter with that metronome, confound it!

"I love you as much as I did on the morn,
Nora, me honey, ye trod on me corn.
The cost of plain livin' in modern New York—
O Nora, me honey, why did we ever leave Cork!

"I'll have to give it up!" cried the Overseer in despair. "The metronome didn't keep time. It's too bad, too, it is such a fine poem otherwise!"

"Well, Mr. Stedman," said Mark Twain consolingly, "there's one comfort—it'll fit into your collected poems much better as it is than if the metronome had been in perfect order.

"And now, gentlemen," continued the presiding judge, addressing the accused collectively, "you have had opportunity, I will not say enjoyed opportunity, to judge of the gravity of each other's offences; it is for you to decide whether they are of such a nature as to deserve the guillotine. Paper is before you, so let each one of you write down on a slip the names of his seven colleagues and of himself, and then mark opposite each name a cross or circle, according as you vote for death or acquittal. The majority for or against will decide in each case. Proceed, please, to vote."

In expectation of the delay common to deliberations of life and death, I picked up

one of the volumes on the table; but hardly had I read the initial poem before Mark Twain's voice broke the silence, instructing the court officials to collect the votes. Thus quick are poets to condemn each other!

"I see it will not be necessary for the court to count the votes," announced the presiding judge, after having glanced at the eight slips. "I take great pleasure, gentlemen, in informing you that you are all condemned to the guillotine by the overwhelming vote of seven to one in each case. Who possibly could have been the person to cast that one vote? Officers, remove the prisoners: we will not sentence them until next week."

Without a word of protest, the eight guilty poets rose and filed out of the room with their keepers. Indeed, their faces showed the delight which they experienced at the downfall of their rivals, a feeling which completely swallowed up grief at their own fate.

When the last one had vanished, I picked up one of the voting lists and unfolded it.

"Why, what's this?" I cried—"here are *nine* votes on this paper, and two are for the acquittal of the Overseer! What does that mean?"

"Well," said Herford, "I guess it means that the metronome got in a vote, too."

VIII. Historical Novelties

Upon a Commission *de lunatico inquirendo* for the purpose of investigating the mental condition of "Stephen Brice," "Malcolm Vernon," "Tom Vanrevel," *et al.*,

It was reported, That the atmosphere of insanity that pervades Historic Fiction is not due to the characters *per se.*

Note. The authors and the Reading Public were not before the Commission for investigation.

Dramatis Personae:

Hugh Wynne (the *vice* of Weir Mitchell), commissioner in lunacy.

Stephen Brice (the *vice* of Winston Churchill), suffering from ungrammatical priggishness.

Tom Vanrevel (the *vice* of Booth Tarkington), with the obsession that all readers are fools.

Malcolm Vernon (the *vice* of Charles Major), with a severe case of saccharine garrulity.

Darius Olin (the *vice* of Irving Bacheller), suffering from general debility.

Ralph Percy (the *vice* of Mary Johnston), with a mania for killing everybody in sight.

Ex officio: Mark Twain, Oliver Herford.

Authors and authoresses in waiting (for recognition).

Scene: Hugh Wynne's sanatorium, Philadelphia.

HUGH WYNNE—At the request of the presiding judge of the Literary Emergency Court, I have summoned you from your books, gentlemen, to examine you professionally before you are put on trial for your literary crimes—there is some doubt, namely, of your responsibility for your deeds, and if it can be shown that your mental state is such——

Stephen Brice—One minute, Doctor!—for

what form of alienation are you going to examine me?

Hugh Wynne—The alienation of money under novel pretences is the crime, I believe, with which you are formally charged; but I shall confine my examination to symptoms of ungrammatical priggishness, a disease which has attacked many of us latter-day heroes.

Stephen Brice—Priggishness, Doctor? Why, I thought that was the normal, approved state of the hero of a novel.

Hugh Wynne—Mr. Clemens, this gentleman shows no signs of aberration; you yourself have heard his sensible remarks in regard to priggishness.

Herford—Set a prig to catch a prig— But what has that to do with syntax?

Stephen Brice—My sales are my own; my syntax is my secretary's.

Darius Olin—A Daniel come to judgment! I never had a secretary nor nobody to correct my faults. I was raised by a *bachelor*.

Malcolm Vernon—Ah, poor fellow! Now, the *major* portion of my life has been spent

with women. Indeed, I sometimes think that my biographer himself was a woman masking under a man's name. Not once, but a thousand times, has he forced me to burst forth into flowery adulation of the novel-buying sex. "Ah, wondrous and glorious womanhood!" I cry on page 44 of my diary. "If you had naught but the mother instinct to lift you above your masters by the hand of man-made laws, those masters were still unworthy to tie the strings of your shoes."—That's the kind of cheap stuff they like; it pays.

Tom Vanrevel—That's right! Lay it on with a trowel, and you can't help selling. Take my own case. "It was not that she was merely lovely," I say on page 33 of my history, "that her nose was straight and her chin dexterously turned between square and oval; that her dark hair lay soft as a shadow on her white brow; not that the trembling hand she held against her breast sprang from a taper wrist and tapered again to the tips of her long fingers;—not all the exquisite regularity of line and

mould, nor simplicity of color, gave her——"

Ralph Percy—Quick, quick, my masters! What is it ails Master Twain?

Hugh Wynne (after a hurried examination)—'Tis naught, I assure thee, only a cloyed palate.

First Author in Waiting—I've seen many similar cases during the reading of my own story, "A Carolina Cavalier." It's never fatal, though; a good dose of the classics will cure it.

Mark Twain (opening his eyes)—Come here, Herford. I want to ask you a riddle. What is the difference between the Reveries of a Bacheller and the smallpox?

Herford—I suppose they're both taken from other people.

Mark Twain—That's a similarity, not a difference. The correct answer is that the smallpox you can get only once, while the Reveries come by the Darrelful.

Herford—You mean by the inkwellful. But tell me this: why should the author of the Reveries turn shepherd if the public ever gets on to him? Because he has al-

ways shown such skill in herding the domestic virtues in the pen of platitudes. I lay awake nights thinking that up.

Hugh Wynne—It has the qualities of the nightshade. However, to continue the examination. Major Brice, the Woman's Christian Temperance Union has announced that it will boycott all the books of any writer whose grammar is not as pure as his morals. And they're after you.

Stephen Brice—After me? Why I defy you to discover a single case of divorce between subject and verb in the entire dreary length of my biography.

Hugh Wynne—Ah, Major, divorce is not the only evil of which the members of a sentence may be guilty—disagreement is almost equally reprehensible. Better a dinner of verbs, you know, than a stalled writer and disagreement therewith.

Tom Vanrevel—Nonsense! After you've once made your hit, you can write any old thing and it'll go. Look at me!

Stephen Brice—If the Tarkative Gentleman from Indiana will but give his betters a chance to be heard, I should much like to

bring this question of syntactical disagreement to a *crisis*. I defy you to show me one of my relatives out of agreement.

Herford—It's a wise relative knows its own antecedent.

Hugh Wynne—That's a true word, your honour. However, to remove any doubts from Major Brice's mind on the score of grammar, let me cite one or two sentences from his book which have been marked by an expert for this purpose. On page 333 he says: "There were many doting parents, whose boys had accepted the parole, whose praise was a trifle lukewarm, to be sure." The annotator seems in doubt whose "whose" that second "whose" may be. But it's a delicate matter to interfere between relatives, unless you're mighty certain you know what's wrong yourself. So let's get off thin ice. Here's a better example, page 44—"young Colfax did not seem to be the kind who would relish returning to a young lady and acknowledge a defeat." Major, present participles like to flock together, if you'll only give 'em a chance by not cutting off their tails. It's

the little word "nor," however, that plays you the worst tricks. "You, nor the Mayor," you say on page 216, "nor the rest of the grave and elderly gentlemen were not blinded by the light of a royal presence." It's too bad the way these double negatives will creep in. They do it again on page 36, and on page 357: "Sad to relate that her bandages nor her shirts nor her havelocks never reached the front." What do you think of that, gentlemen?

Herford—I should say that a negative well in hand is worth two in a sentence.

Darius Olin (in awed tones)—I never realized there was so much in grammar, before. I've always just slapped down the words the first way they occurred to me. Haven't you, Vanrevel?

Tom Vanrevel—Of course! This thing's all nonsense. I tell you the public's a fool. Didn't they swallow me without question? What better proof do you want?

Ralph Percy—Now, look here, I'm a peaceable man, but I haven't had a chance to kill anybody since this *séance* began, and

I'm not used to going so long without blood.

Malcolm Vernon—What makes you so bloodthirsty, anyway, Captain Percy?

Ralph Percy—Because my biographer is a woman. I tell you, when a woman's bloody, she's bloody for keeps. No Achilles heel business for her. You remember that fight of mine on the island when I made the pirates elect me their captain? Well, when my biographer was talking over the scene with me, I told her how unreasonable it was to ask me to down so many fellows at once. In fact, I flatly refused the job, until she threatened to leave me to die of thirst on the island—didn't know how to get me off otherwise—so of course I had to yield in the end. Strange what necessity and woman will drive a man to.

Hugh Wynne—Mr. Clemens, one thing at least is clear by this time—Captain Percy is not responsible for his actions. As he himself has said, when a bloodthirsty woman gets the upper hand of a man, there's no telling where she will stop. However, that has nothing to do with Major

Brice's case. Has your honour any questions you would like to ask him?

Mark Twain—Well, yes, I might as well take advantage of this opportunity to question him on his German—it is almost up to Miss Corelli's French.

Stephen Brice—My German, sir? Now, that's a point on which I am absolutely *bombenfest.* I once took a six weeks' course in a summer school of languages during my holidays.

Mark Twain—Well, I must admit your German sounds as though it were off for a holiday. However, example is better than precept. On page 84 your friend Richter sings a German song in the following novel manner:

Deutschlands Söhne
Laut ertöne
Euer Vaterlandgesang.
Vaterland! Du land des Ruhmes,
Weih' zu deines Heiligthumes
Hutern, uns und unser Schwert.

Do you know how many mistakes are in those six lines, Major?

Stephen Brice—How many—seven?

Mark Twain—No, sir, it is not quite as

bad as that—but two's enough. The Germans have an ineradicable prejudice against writing nouns with a small letter, even the noun "*Land*"; and, further, they insist upon calling a protector "*Hüter*," despite the efforts of American authors to change the practice.

Stephen Brice—Your honour, those were merely mistakes of the compositor. Surely you wouldn't hold me responsible for his oversights?

Mark Twain—Ah, that convenient typesetter—what burdens the poor fellow is called upon to bear! I suppose he's the one also who made the mistake on page 120, and who conceived of the strange Volksmelodie on page 206: "*Bemooster Bursche zeih' ich ans,—Ade!*" I don't wonder when he heard this, as you say, "a big tear rolled down the scar on Richter's cheek." If he hadn't wept at this abuse of his mother tongue, I'd have lost all respect for him.

Stephen Brice—Is there anything more, your honour?

Mark Twain—Anything more? No, because there's no more German in your book,

excepting some "strevers" with a "v" and a small "s." Yet a moment before you had the presumption to assure us that although "the beer-garden by the side of the restaurant to which they went was dreary and bedraggled—inside, to all intents and purposes, it was German." But to come back to English, Herford here was complaining to me of the manner in which you got the subjunctive confused in the protasis of your conditional sentences——

Herford (plucking his sleeve)—Here, here! You've got me mixed up with somebody else. I never so much as heard of a protoplasm. It must have been our colleague.

Stephen Brice—I'm glad you've brought up that question of the subjunctive, your honour. It's a thing I've never seemed able to use correctly. Now, for instance, this sentence: "So absorbed was he in contemplation of this, and in wondering whether she were to marry her cousin, Clarence Colfax, etc." I remember asking myself whether that "were" were right or was wrong. But how was I to know? My sec-

retary was off for the day. In fact, there are lots of those subjunctives in my book that I'm in doubt about.

Mark Twain—And well you may be, sir. Fortunately, however, it's not necessary for an author to be able to write grammatically nowadays; we haven't time for education.

Stephen Brice—That's it, your honour, in order to make an educated man, as Victor Hugo said about making a gentleman, you have to start with his grandfather. And as you know, my wife's great-grandfather, Richard Carvel, wasn't able, either, to distinguish between an adverb and a participle. If you'll excuse me, though, I think I'll lie down on the sofa for a few minutes—I feel my small amount of vitality running low. (Faints.)

Ralph Percy (catching him and laying him down)—Why, this man's dead! Did I perchance kill him inadvertently? Will somebody please write and ask my biographer?

Hugh Wynne (opening the patient's shirt)—My goodness, this is not a man! He's only a lay figure. (Aside.) Suppose

they should discover that I'm only a lay figure myself!

Herford—Never count your lay figures before they're patched.

Mark Twain—Well, what are we going to do with this graven image? He looks enough like a man to sell him to the Eden Musee.

Hugh Wynne—No, that won't do, we'd only get his intrinsic value for him, and that wouldn't pay for the cartage. I have a better scheme than that, and one, I think, that'll work—let somebody say a bad word in his ear and shock him into seeming vitality again. Do any of you know how to swear?

Malcolm Vernon—I used to once upon a time, before I came under the softening influence of love, that is whispered by the sighing winds; of love, that makes men and women like unto gods; of love, that is the burden of the fleecy clouds as they float in the sweet, restful azure of the vaulted sky, of love——

Herford—Here, here, you must have been reading "When Knighthood Was Flow-

ery." Unfortunately the waste-pipe is stopped up. Mr. Olin, don't you think you might scare up an oath for the occasion?

Darius Olin—Well, I'm but a rough soldier, but I'll do my best. (Leaning over and shouting in Brice's ear.) *Jerushy Jane Pepper!*

Malcolm Vernon—I thought I saw his left eyelid move.

Hugh Wynne—Yes, I saw it, too, but the shock was not great enough. Mr. Olin, haven't you a stronger expletive than that?

Darius Olin—I am but a rough soldier, sir, unversed in the ways of schools and courts, but even my profanity has its limitations. I have given you the best I have.

Hugh Wynne—Well, I don't know what we'll do about it. Our only chance lies in shocking this man into a semblance of life. Hasn't anybody an oath about him?

Mark Twain—Can't you get one up for the occasion yourself, Doctor?

Hugh Wynne—Oh, my, no, sir! You know I belong to the modern anæmic school of literature, whose blood is without red corpuscles. A novel I should define as

a collection of six hundred pages or more of conversation and description, with a minimum of incident and a maximum of padding. You see, therefore, how impossible a swearword is to me.

Herford—Couldn't you accommodate us, Captain Percy?

Ralph Percy—No, sir, under no circumstances. When my governess started me on my mad career, she said to me: "Ralph, go forth and multiply impossible achievements, kill as many men as you've a mind to, but never forget your refinement." And I have held her words sacred.

Tom Vanrevel—Here, I'll swear, if it has to be done. We can't waste all day over this lay figure. I'll give him a good strong Indiana oath. *Jimminy-crimminy!*

Darius Olin—He moved that time distinctly. It was a wicked word, though.

Hugh Wynne—Can't you go one a little stronger, Mr. Vanrevel? Just a little bit stronger?

Tom Vanrevel (glancing around nervously)—Are there any reporters present?

Hugh Wynne—No, you're perfectly safe.

Tom Vanrevel—And you all promise not to betray me if I do it?

Chorus—Deal with us as we deal with you.

Tom Vanrevel—Well, then, I'll risk it. Close your ears, all of you, lest I shock you into seeming vitality. (Shouting into the ear of Stephen Brice.) *Damn!*

Stephen Brice (jumping to his feet)—Where am I? What did I hear? Somebody swore in my presence! Oh, what would Mr. Mabie say to this!

Hugh Wynne—Calm yourself, Major, he shall never hear of it. Nothing but necessity would have caused us to resort to such extreme measures.

Mark Twain—Kindly sit down, Major, and in a very short time I promise to send you back to your book, the support of whose cardboard covers you seem to need, in the manner that certain German army officers are said to require the support of stays. You ought never to have ventured forth from that haven of the still-born. Pray continue, Doctor.

Hugh Wynne—There seems little need

to prolong the examination. By this time, surely, you have gained a clear conception of the mental state of these gentlemen. Should we not spare their relatives further shock?

Herford—I should like to ask Mr. Vernon a question.

Malcolm Vernon—Yes, sir, what is it?

Herford—Mr. Vernon, the eagle is said to be one of the few species of birds, if not the only species, the female of which is larger and stronger and altogether more impressive than the male. Do you see any possible reason for the American people to change its national bird?

Malcolm Vernon—Your honour, time but serves further to demonstrate the wisdom of the Fathers of the Republic, to show the prophetic quality of their minds. The only thing I can suggest is for Congress to appoint a committee to make sure that all the eagles on our flags and coins are eaglesses.

Herford (to Mark Twain)—What canny answers the man gives! No need to minister to a mind diseased like that.

Mark Twain—And you, Major Brice, what bird do you think most appropriate for National purposes?

Stephen Brice—Well, since our literary men are going more and more into politics, I should suggest the secretary bird.

Herford—Out of the fulness of the heart the mouth speaketh.

Mark Twain—I must confess, Doctor, these heroes seem as men, knowing good and evil. Surely they must have realized what they were about when they assumed the cothurnus to gain a height not their own.

Hugh Wynne—I'm not so certain of that, you know megacephalousness is a very subtle and deceptive disease. Even specialists are apt to make mistakes. With your permission, however, I should like to ask them a few questions as to their views on the novel. Their replies should possess both historical and pathological value.

Mark Twain—Question them by all means. As Virgil exclaims: *"tantaene animis caelestibus irae?"*

Hugh Wynne—Well, now, Mr. Vernon,

suppose we begin with you, working up to the heavyweights. Won't you kindly let us have the benefit of your ideas on the novel?

Malcolm Vernon—With pleasure. I can give you my ideas in a sentence. All this talk about the art of the novel is nonsense. Just remember one thing and you're all right: there are more flies caught with molasses than with vinegar. Do you take me?

Mark Twain—I do, indeed, Mr. Vernon; your remarks are most pregnant. But tell me this—are you not afraid thus to give away the secret of your success?

Malcolm Vernon—Not a bit, I've got the biggest molasses-pot going—not even excepting Cyrus Townsend Brady's.

Mark Twain—I doubt it, but still— So your opinion, Mr. Vernon, is that molasses and literature are synonymous?

Malcolm Vernon—Precisely—it all depends on the size of your jug.

Mark Twain—Pray continue, Doctor.

Hugh Wynne—And now, Mr. Olin, suppose you let us have your views on the

question of the novel—they should be original, at least.

Darius Olin—I don't know as I have no views. I should say, just meander along with a paraphrase of the Psalm of Life and an occasional unacknowledged quotation from Sir Roger de Coverley done into Northern New York dialect—and there you are. If that ain't easy, I don't know what is.

Mark Twain—By George, these fellows speak the truth, at least! They don't seem to mind giving the snap away at all. And you, Captain Percy, what are your views?

Ralph Percy—Well, sir, nothing in this life is perfect, not even the book in which I appear. I should say, therefore, that the novelist's aim should be to get a good story and then to spoil it by piling on the impossible adventures and bloodletting until the reader throws down the book in disgust. It's the way to get people to talk about it.

Mark Twain—There's a good deal in what you say, Captain Percy, a good deal. As for you, Major Brice, I guess we know pretty well your views on the novel, grammatical mistakes and all. You give us the

matter in a nutshell, I take it, on page 250 of your narrative, when you exclaim: "Alas, that chronicles may not stretch so as to embrace all the great men of a time." We need hardly waste further time on you.—"*Bemooster Bursche, ziehe aus!*" And now, Mr. Vanrevel, you are the only one remaining. What is your aim in the novel?

Tom Vanrevel—My aim? Why, to sell it, of course.

Mark Twain—Yes, but aside from commercialism, what should be a novelist's standard?

Tom Vanrevel—With his first or later books?

Mark Twain—Well, with any book. Is there a difference?

Tom Vanrevel—I should say there was! With his first book an author should take the greatest pains possible, and perhaps also with his second. After that, let him insult his readers with any old trash he can sling together—the worse it is, the better. Look at me! Nobody but a fool could have really mistaken me for Crailey Gray, but the public continues to accept the legend—

hence the public's a fool. *Quod erat demonstrandum.*

Mark Twain—Doctor, this new generation is too much for me; I give 'em up. When Herford and I were young, if we wrote a rotten thing we sought to bury it out of sight as quickly as possible; now they try to sell it as quickly as possible. I should be glad to have your professional opinion as to the responsibility of the heroes under examination.

Hugh Wynne—That is very quickly done, your honour. Stephen Brice, being, as we have seen, but a lay figure, is of course without the purview both of the law and of medicine. Recalling his reference to Victor Hugo, however, I should strongly advise him to read that poet's production on "L'art d'être grand-père." In the case of Captain Percy, we have seen that his mania for manslaughter has been superinduced solely by association with Bloody Mary; so that he cannot be held responsible. Malcolm Vernon, on the other hand, we must regard as a very sick man, and therefore deserving of our charity—*saccharine garrulity,*

I tell you, is a disease not to be sneezed at. Indeed, it may be regarded as a form of mental diabetes.

Malcolm Vernon (anxiously)—Is that ever fatal, Doctor?

Hugh Wynne—Only to reputations, sir. But to continue. There remain but two cases: Darius Olin and Tom Vanrevel. The first of these shows all the signs of general debility and literary disintegration, so that it is unnecessary to hasten his demise. Besides, there are distinct signs of the approaching bursting of his bubble. In the case of Mr. Vanrevel, we have a clear instance of the impotence of the law. On the one hand, I could not with a clear conscience take the stand and swear to his irresponsibility—he deserves prosecution for saying the public's a fool and for acting accordingly—but on the other hand, if you bring him to trial, undoubtedly he will plead the truth of his words and cite the public's acceptance of himself as his justification. So you are powerless.

Mark Twain (sadly)—I believe you're

right, our hands are tied. What would you advise, Herford?

Herford—In the case of Major Brice, I think I should advise an operation for disguised *multiform appendices.* The others, undoubtedly, may safely be left to posterity.

Mark Twain—Come, let's get out of this as quickly as possible, Herford. Death has always moved me strongly, even if it be only the death of literary reputations. Good-day, Doctor, we are much indebted to you for your kindness in this matter.

Hugh Wynne—Not at all, your honour. I am always glad to use the scalpel on my rivals. I am at your service at any time.

Exeunt Mark Twain and Herford, followed by the crowd of disappointed authors and authoresses in waiting.

IX. The Otherwise Men

At an informal sitting *in camera cur adv. vult.*, the question as to the identity of literature and business being under discussion, by a strong majority it was

Decided, That the two terms are inseparable, interchangeable and unthinkable save in conjunction; and it was further

Decided, That as a practical proposition the reformation of literature is desired neither by the servant girls, editors nor writers, and the Court was therefore adjourned until the commencement of the next ensuing term.

WE were speaking of the Easy Chair a short while before Mr. Howells and Mr. Alden arrived. It came about through Herford's asking this riddle: What is the difference between John Brown and Colonel Harvey? The answer was: John Brown *freed* the slaves at Harper's Ferry.

"There's a further difference, Herford," I said. "Another John Brown, you know, was on extremely easy terms with royalties."

"I see you have read 'Our Life in the Highlands,'" said Herford. "But let us return to our mutton."

And so we came to be speaking of the Easy Chair a short while before Mr. Howells arrived.

To be frank, we were discouraged at the results achieved by the Literary Emergency Court. That is, all of us were discouraged save Loomis.

"The amount of advertising I've got out of these proceedings," he said, unctuously rubbing his hands, "has been most gratifying. Two copies of 'Yankee Enchantments' were sold last week."

"Well, that has nothing to do with literature," said Mark Twain, impatiently. "What's the use, after all, of our disinterested efforts to purify letters? Here we've tried Davis and Bangs and Matthews and Mrs. Ward, and we've Corellied Caine, and plucked the poetasters—but what have we to show for it all? Next to nothing. Frightened by the pressure brought to bear upon him by the Young Ladies' Select Boarding-Schools Association of America, the Governor has released Davis on his own recognizances, while the poets proved such extremely small fry that they escaped through the bars of their cells without the least difficulty. And whom have we left?—John Kendrick Bangs! I feel as I did the day I went fishing for pickerel and caught a bullhead."

"Well, then," said Herford, "we've got one of the heads, at least, even if the hydrant's not turned off. Besides, speaking of Captain Macklin, I don't see much difference between a head without an author and an author wthout a head. Do you, Loomis?"

"Not when they're equally footless. However, we mustn't be disheartened. I've just had a letter from London from Clement K. Shorter saying that he and Dr. Robertson Nichol are with us, so we're all right."

"Well, there's some comfort in having omniscience behind one," said Mark Twain, more cheerfully, "even if it's only Pickwickian omniscience. Still, I'm glad that our term of service has ended, and that we shall be called upon to try no more authors for their literary crimes. Among ourselves, gentlemen, I consider the Literary Guillotine a failure. The servant girls and editors won't stand for it."

"Richard Watson Gilder and R. U. Johnson!" announced the doorkeeper most opportunely, and the two poets entered the room. No one paid the slightest attention to them, and they sat down like dejected manuscripts. At the moment I happened to glance round, and lo! Loomis was attempting to sneak out of the room unobserved of the Centurions. Evidently he did not wish to jeopardize his chances with future contributions. Hardly were the two

Centaurs seated, before R. W. drew out a paper pad and R. U. a pencil, and then began a series of whispered consultations and scribblings which foreboded ill for the subscribers to the magazine.

"No, no!" protested R. U., counting on his fingers, "you've got one too few syllables in that verse. Put in a 'so' before the adjective. That's always a good, easy plan."

"One-two, three-four, five-six, seven-eight, nine-ten," counted R. W., "that's O. K. Now for the next line."

We were witnessing at close range the manufacture of a Century plant!

"This being our last meeting, gentlemen," said Mark Twain, raising his voice to attract the attention of the two expert accountants, "I have asked, as you are aware, a number of our leading editors and guardians of letters to meet us here informally this evening to discuss the present deplorable state of literature and to suggest means for its betterment before mortification goes further. I see, though, they are late; it's ten minutes after the hour, and

Howells promised to be on hand promptly at eight o'clock."

"Perhaps Bok has set up the beer," I suggested.

But my little joke was lost on Mark Twain, as he had taken up *Harper's Magazine* and turned to the Easy Chair.

"Listen to what Silas Lapham says in June in his advertising department: 'They (our conjectures) form the atmosphere in which . . . most of his sympathetic readers will turn the sibylline leaves of such a book as Mr. John Bigelow's "The Mystery of Sleep"——'

"Published by Harper & Brothers at $1.50," interpolated Herford.

'. . . which . . . we now have from him in a new edition.' Or, again, a year ago: 'A question which vexed this seat of judgment (!) last month with respect to the revival of Dickens recurs in the presence of the fine new edition of Samuel Richardson's novels——'

"Published by Harper & Brothers," said Herford in monotonous voice.

'. . . which Professor William Lyon

Phelps is editing so interestingly.' 'What are the conditions from which springs,' continued Mark Twain, reading from a later number, 'we will say, Mr. Norris's theory of the novel? Why is Mr. Howells's democracy——'

"Published in uniform edition by Harper & Brothers."

'. . . less convincing to the imagination than Tolstoy's? What makes the difference between Miss Wilkins's "Portion of Labor"——'

"Published by Harper & Brothers."

'—and, say, Hauptmann's "Weavers"?' —Herford," said Mark Twain, interrupting himself to regard the interpolator under bent brows, "you are the best Greek chorus I ever knew. But what do you think is the difference between the democracy published by Harper & Brothers and that of Tolstoy?"

"Well, to judge by that article," said Herford, "I think it's a difference of *howls*."

At this moment R. U. rose to his feet and cleared his throat to attract our attention.

"If your honours please," he said, "my

colleague and myself have just written a sonnet which we should like to present for your consideration. We make it a practice, you must know, to write a sonnet every time we have ten minutes on our hands."

"Together?" asked Mark Twain in astonishment.

"Yes, we write alternate lines, and then at the end we toss a coin to see which one shall sign it."

"Ah, I see! You have given us the long-sought clue to your poetry. However, we can't allow this *pousse café* to be drunk aloud on an empty stomach. *Timeo Danaos et dona ferentis.* But in compensation I'll ask you a riddle. What is the difference between the Presbyterian Church and the *Century Magazine?* Can no one guess it? Well, this is it. In the case of the Presbyterian Church you subscribe once for all to infant damnation, while in the other case you do it periodically."

What might have been the result of this indiscreet riddle, it is impossible to say, had not the door opened and disclosed Mr. Howells and Mr. Alden on the threshold.

Behind them stood the editor of the *Ladies' Home Journal* and Mr. W. C. Brownell.

"Ah, gentlemen, you have come at last!" cried Mark Twain. "I had begun to think conscience had made cowards of you all."

"It wasn't that which detained us," said Mr. Alden, with a sly smile, secure in the knowledge that no one could accuse him of being an author; "the trouble was we couldn't get Bok through the Tenderloin."

"Mr. Alden," cried the Gentleman from Philadelphia, "how can you give currency to such a slander?"

"Oh, I don't mean that you wanted to linger there! On the contrary, I meant that we had to make an excursion round it on your account. In that sense we couldn't get you through it."

"Ah, that's another matter!" sighed the great editor. "Gentlemen, I believe that the man cannot be too careful into whose keeping has been given the trust and confidence of the daughters and wives of the farmers of Long Island. Why, in our press-room I won't even allow a fly-wheel——"

"Come, come!" interrupted Mark Twain, "we've come here to discuss tougher questions than the Tenderloin and fly-wheels, our gynecological friend here to the contrary notwithstanding."

"It's against my principle, then, to listen to such a discussion," said the previous speaker, making as though to take his hat.

"Well, Mr. Bok," said Mark Twain, soothingly, "if it's against your principal, as a matter of Curtisy we must yield to your objections. We must all follow our principals, no matter what the Harvey-est may be. Is not that true, Mr. Howells?"

"Absolutely, sir. It's the only way in which a classic can keep from starving."

"And, now," continued Mark Twain, "since we are one on the question of principal and interest, suppose we get down to business. Mr. Brownell, what have you to propose in the present crisis?"

"Mr. Clemens," said the great critic, in the delightfully non-committal, nevertheless-to-the-contrary-notwithstanding-however-although manner of his essays, "though

not the editor of *Scribner's Magazine*, nor even of Sir Humphry Davy's 'Lamp,' yet I am authorized to speak for the magazine as well as for the publishing house in this matter of literature."

"Literature?" said Mark Twain. "Why, I didn't know that literature was concerned. As you yourself can testify, in this inquiry we have confined ourselves strictly to non-literary persons. Just run through the list of those whom we have tried. However, we won't quarrel about terms. What have you to say, Mr. Brownell, that you have not already given in print to a thankless world?"

"Nothing, Mr. Clemens, since I have learned that the Governor has released Davis. With Browning I exclaim

> "'God's in his heaven —
> All's right with the world!'"

"Tut, tut!" cried Howells, impatiently, "Davis is of no importance to literature, he doesn't publish with Harper's any longer. Let's stick to books that count. What

about Charles Waldo Haskins's 'How to Keep Household Accounts'?"

"When I was a boy many years ago up in Vermont," began Mr. Alden, quoting from the Editor's Study, "our chief literary pabulum was 'Peter Parley' and 'Pilgrim's Progress.' Our young minds——"

At this point Herford interrupted:

"You're old, Father Henry, and love to discourse
Of your knowledge of Paleontology,
Of the days when a boy in the Miocene Age —
You ought to write books on Geology."

"Well, Mr. Brownell," said Mark Twain at the close of this interruption, "it is most encouraging to find that you believe literature saved through the release of Davis, who, by the way, publishes with Scribner's, I believe. Perhaps, however, Mr. Howells has something to suggest."

"Simply this—let Davis go hang, he doesn't publish with Harper's any longer. Release Bangs from the asylum, and substitute Matthews. The Professor's books don't sell, anyhow."

"I see, Mr. Howells. Certainly no one

can accuse you of not taking a practical view of literature."

"No one, sir. That's what my boss always says to me. 'Mr. Howells,' he said only the other day, 'the Easy Chair is the best advertising medium Harper's possesses. The way you manage to ring in our books while apparently writing on matters literary, is a subject for constant wonder.' But, come, let us get back to business. What were you aiming at with this Literary Guillotine, anyhow? You didn't really hope to reform literature, did you?"

"I did, Mr. Howells, but since hearing you talk to-night, I see that we were merely saving at the spigot while it was leaking at the bung-hole."

"Speaking of bung-holes," began Mr. Alden again, "when I was a boy up in Vermont, every fall we used to make cider——"

"Mr. Clemens," excitedly cried the editor of the *Woman's Medical Journal*, "I must protest! If this constant reference to intoxicating beverages continues, I must seek safety in flight."

On Mr. Alden's explaining, however, that

his reference was to sweet cider only, the protest was withdrawn, and the discussion continued.

"It must be admitted, I think," said Mark Twain, "that this court has been extraordinarily unlucky in failing to secure a conviction in the most important cases. Our greatest blow, however, was in the acquittal of the three preachers."

"Well, I shouldn't have cared about Hillis and Van Dyke," said Mr. Howells earnestly. "But Brady's a different proposition; his last book appeared with Harper's, you know."

"And I am of the opinion," said the American Sainte-Beuve, "that Brady might easily have been spared. But Van Dyke is one of Scribner's *protégés*. Had you convicted him, I should have been forced to call out the Christian Endeavorers and the Epworth League against you. And you know they are mostly women."

"Gentlemen, you are very commercial in your views," said Bok, reprovingly. "The only one of the three worth saving was Hillis. He's engaged, as he told you, to

write a series of articles for the *Journal* this year on 'Platitudes and Their Practical Uses.'"

In the excitement of the discussion R. W. and R. U. had been quite forgotten, and they had continued the production of sonnets undisturbed. Now, however, the lesser of the two evils sprang into the breach.

"Gentlemen," he said, rising and speaking in solemn manner, "if you will pardon me, I think you are forgetting the dignity of your positions. You are giving the snap away entirely too freely. Writers may be relatively important, but it's the editors, in the last analysis, upon whom literature depends. We are the ones who confine it to the plane of the trite and the innocuous, who guard it from invasion by drastic, flesh-and-blood writers, such as Andrew Carnegie, with a message to deliver. Think what literature would be were it not for us! Why, only yesterday in speaking with me of the Literary Guillotine, the editor of *Town Topics* remarked that what he objected to in the series were not the senti-

ments, but the personal tone, which, he said, it was always his aim to avoid."

"Isn't it strange how men differ!" said Mr. Alden. "I had a conversation on this same point with the editor of the *Times Saturday Review*, and he asked me whether I thought it wise for him to include the reports of these trials in his advertising column, 'About Authors: What Some of Them are Saying, Writing and Planning!' He actually seemed in doubt, though, as to the authenticity of the reports."

"Oh, my! I wish my sister were here!" sighed R. W. "She always reads 'Who's Who in America and England,' so she'd set me straight on all these confusing literary matters."

"You must remember, though," cautioned Herford, "all is not gold that Gilders."

"True," said Brownell, "yet I just received this afternoon from my æsthetic friend, Comte de Montesquiou, a copy of some delicate little verses which, he informed me, are to appear next month in the magazine to whose directrice they were ad-

dressed. If you will allow me, I'll read the lines to you. Ahem!

"'P'tite amie,
Je vous dis
Que vous regnez dans mon cœur.
Vous êtes si jolie,
P'tite amie,
Je crois que j'en meurs.'"

Poetry hath charms to soothe the savage breast, and when the reader's voice had ceased even Herford was silent.

"How beautiful!" murmured R. W. "I should so have liked to publish it in our department in Lighter Vein, but we never publish any German in that department."

"To continue," said the decuman Centurion, in a loud tone, "as I was saying, although my colleague and myself disapprove of the methods of the Literary Emergency Court, yet we are strongly in favor of the underlying idea. Something will have to be done to stem the current of literature in this country, or it will end by becoming a picture of life. This tendency to present things as they really are, I am sorry to say, is deeply implanted in the breasts of many of our otherwise very good writers. In-

deed, it is seldom, since the death of E. P. Roe, that we find a writer thoroughly suited to the peculiar requirements of the *Century*. And I assume it is the same with you, Mr. Bok?"

"Precisely, sir—only more so."

"Why, gentlemen," continued the speaker, "would you believe it, we once commissioned one of our most approved writers to give us an article on François Villon, and he actually said in his article that Villon spent many of his evenings drinking in the Paris cabarets with ladies to whom he had never been introduced. And when we called him to account, he excused himself by saying it was true! As though truth had anything to do with it! This instance will show you the malign tendency of the writers of today. We are the ones to check them. My colleague and myself, as you doubtless are aware, always carefully avoid all approach to nature, and the *Century* is the richest periodical in the world. I have given you the major and the minor premise, draw the conclusion for yourselves. We have just written a little sonnet together,

'As One Who Does Not,' and I should be happy to read it aloud to you free of charge——"

For a few moments it looked as though the meeting were going to come to a sudden end through the defection of the audience; but finally the speaker was persuaded not to carry out his threat, and quiet was restored.

"Very well," he said, folding the sonnet and putting it in his pocket, "it's your loss, not mine. But don't think you can escape for good and all——sooner or later you'll see it in the *Century*. But it was not primarily for the purpose of reading our sonnet to you—important as that event would be—that I arose. I have a plan to propose for superseding the defunct Literary Emergency Court which I think will greatly aid us in reaching the end we all have in view—that, namely, of the emasculation of literature. First of all, let us divorce in our minds literature and business——"

"It can't be done," said Howells, earnestly.

"Well, I know it is hard, especially in

Franklin Square, but, still, we must try. Now, my plan is that we, who are the guardians of letters, band ourselves together for its effeminization, and that to this end each one of us in turn states his theory of what literature should be, so that we may have a basis on which to work. You have heard our theory: when writing of *villons*, never let them speak to a lady unintroduced. I should be glad to hear what the others present think."

"Mr. Howells," said Mark Twain, when the speaker had resumed his seat, "you have heard the proposition just made and the trenchant definition of literature. How would your definition run?"

"How should I define literature? Well, I think I should define the highest order of fiction, as my own, somewhat in this manner: an insistence upon the unessential until the meeting of extremes. How does that strike you?"

"Excellent, Mr. Howells. You couldn't have described your own writings better had you been writing for posterity. And now, Mr. Bok."

"In all languages of which I have knowledge," said the gentleman addressed, "literature is of the feminine gender—*la littérature, die Literatur, la letteratura,* and so on. It is also feminine in Philadelphia. Moreover, unlike the W. C. T. U., no men are ever admitted. Can you beat that exposition?"

"No, Mr. Bok, I'll admit we can't. It's the recipe of the old *Godey's Lady's Book* brought up to date. And you, Mr Alden, what is your definition?"

"When I was a boy up in Vermont," was the seemingly disconnected reply, "I had much time for thinking out definitions. Among others, I formulated at that time my definition of literature and wrote it down. Unfortunately it's at the office of the magazine, or I should read it to you. I always read it every morning, so as to keep it fresh in mind. For the moment I can't recall it, but of one thing you may rest assured: I haven't changed it one iota from that day to this."

"Humph!" said Mark Twain, "side-lights

on the progress of American literature. Herford, haven't you any theories?"

"No, not exactly. I've got a couple of definitions here in rhyme, though, that might pass as theories."

"Well, let's have 'em. Anything for variety."

"This is the definition of a poet," said Herford, reading from the only cuff he had on:

> "'A poet's *fit non nascitur*,
> Which shows he's epileptic;
> And getting meagre nurriture,
> He's usually dyspeptic.
> P. S. — That is, unless he be, like you,
> An editor and poet, too."

The last words were addressed directly to R. U., whose countenance never for a moment lost the preternaturally solemn expression which it assumed at all mention of poetry.

"That's pretty good, Herford. Have you any more?"

"Yes, I've got one on a critic, if I could only remember where I wrote it. Oh, yes, it's on my shirt!"

Thereupon Herford unbuttoned his waistcoat and read the following lines, which were written diagonally across the bosom of his shirt:

"A critic is a man who can't
Create himself, and hence
He says that other people sha'n't —
He's not without some sense.
P. S. — Exceptions to line four must be,
Of course, the present company."

"Well, Herford," said Mark Twain approvingly, "I consider that you have contributed more than any one else toward clearing up the subject. Indeed, I think, gentlemen, we may safely say that at last we have a working formula to guide our association in its arduous task. Further, we have learned one thing, at least, from the proceedings of the Literary Emergency Court, barren as they have been in the main, and that is that we can hope to accomplish little by public and official action. Our true line lies in private endeavour. Therefore, let us all and sundry return to our desks, editorial or otherwise, and con-

tinue our labours as heretofore. Herford and I, you may rest assured, will do our share; and to judge from the past, I feel confident we may safely count on your co-operation. *La littérature,* may it never, even for an instant, become *le littérature!* The meeting is at an end, gentlemen. Surely, there remains nothing unsaid."

Thereupon good-nights were exchanged, and congratulations that the guillotine had ceased operations, and the six editors turned to leave the room. As Bok reached the door he narrowly missed collision with a messenger who was hurrying in with a letter.

"The presiding judge of the Literary Emergency Court?" inquired the boy of Mark Twain.

"That was my title. Give me the letter."

Opening it, he ran his eyes across the paper, and then, with a smile, he handed it to me. This is what I read:

"If you insist on arresting me, I can be found any day before five P. M. at Columbia University, or evenings at home. Also on

Saturdays at the offices of *The Bookworm.* Reply by messenger. H. T. P.

"P. S.—I think I can inform you of the critical hiding-place of Our Lady of the Breeches."

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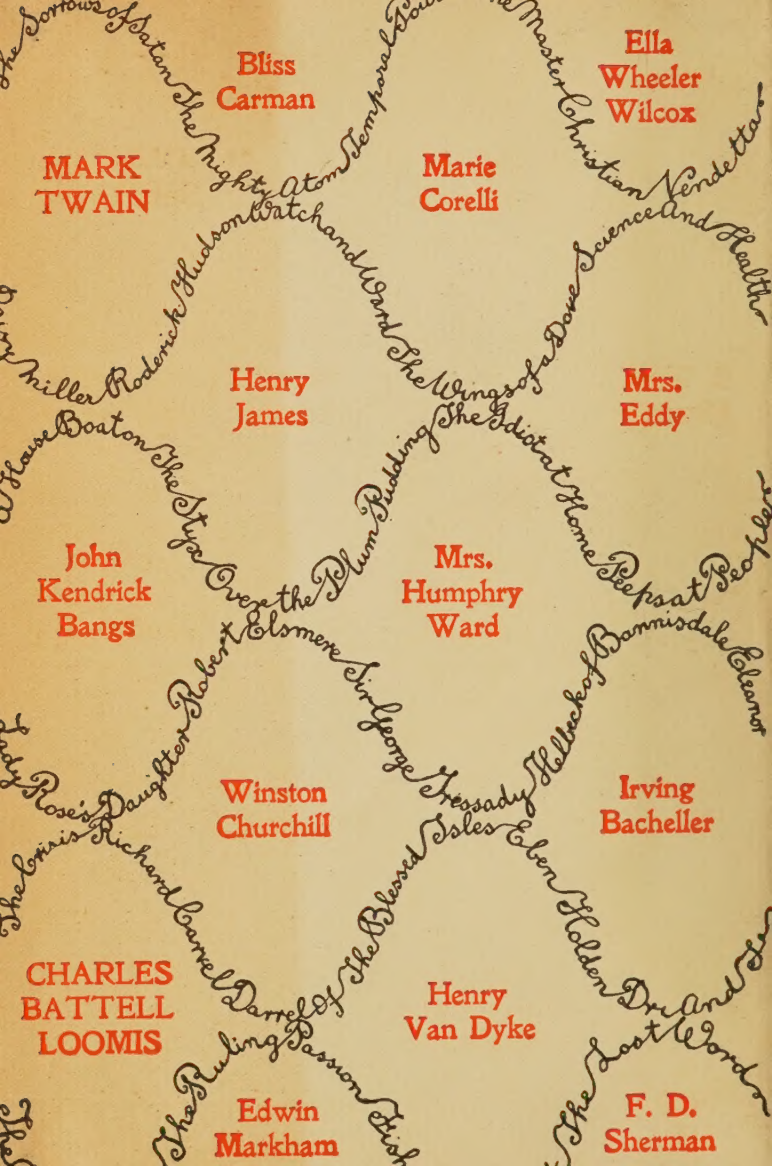
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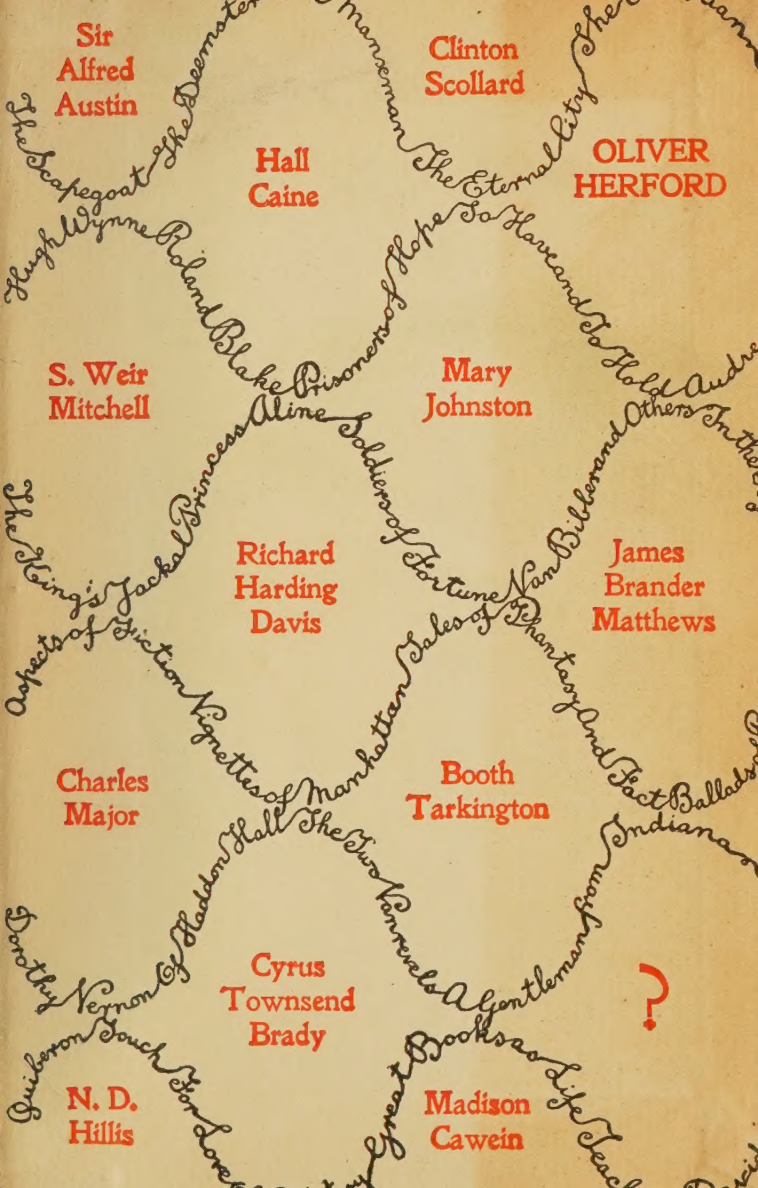
Edwin Markham
F. D. Sherman


Sir Alfred Austin
The Scapegoat
The Deemster
Hall Caine
The Manxman
Clinton Scollard
The Eternal City
OLIVER HERFORD
Hugh Wynne
Roland Blake
Prisoners of Hope
S. Weir Mitchell
Mary Johnston
To Have and To Hold
Audre
The King's Jackal
Princess Aline
Soldiers of Fortune
Richard Harding Davis
James Brander Matthews
Aspects of Fiction
Vignettes of Manhattan
Charles Major
Booth Tarkington
Dorothy Vernon of Haddon Hall
The Two Vanrevels
Cyrus Townsend Brady
?
Quisiberon Bouch
Story Lover
N. D. Hillis
Madison Cawein